

America's Most Divisive School District Borders

EXECUTIVE SUMMARY

Inequality is endemic in the American public education landscape. We have geographically segregated families of color for the past century. This injustice is mirrored, and compounded, by our school districts. They could begin to overcome housing segregation by creating schools that include the entire community, but instead, they offer racially divided schools for racially divided neighborhoods. An even starker injustice exists for the millions of students in school districts that have no chance of being meaningfully integrated because we've enclosed them behind divisive district borders—the invisible lines that fracture our school system. As if quarantining students of color, we have forced them into racially dense and underfunded systems, and then built walls around them.

There are almost 1,000 borders in the United States outlining school systems that are both racially isolated from their neighbors and receiving substantially less in funding per student. Almost 9 million students live on the losing side of these invisible boundaries. Their schools, when compared to those of their more affluent neighbors, are a glaring reminder that our education system remains divided by race and resources over half a century after the iconic *Brown v. Board of Education* ruling. Across all districts that have substantial race and revenue gaps with their neighbors, the average district on the whiter, wealthier side of the line receives over \$4,000 more per student each year. In the case of 132 borders that mark deeper race and funding divides—at least 20 percent in revenue and 50 percentage points in race—the average disparity is over \$6,500 per student.

Forty-five years ago, through court order, the United States Supreme Court made meaningful interdistrict integration impossible. In *Milliken v. Bradley*, the Court ruled that if children are separated by race not because of laws, but because of district lines, then the courts have no ability to mandate integration across those borders. The plaintiffs in that case attended school in Detroit, which was 66% black at the time. The Supreme Court recognized that Detroit was highly segregated, both internally and from its neighbors, yet still ruled against a multi-district desegregation plan. Today, Detroit Public Schools is 98% nonwhite, enrolling only one white student for every forty-nine who are nonwhite.

EdBuild's prior school funding research has shown that under our school funding system, both poor communities and school systems that are largely nonwhite end up with far fewer resources. Students in poor, nonwhite districts are twice disadvantaged when it comes to school funding, receiving much less even than students in poor, white districts. This is the national reality. But this national picture cannot explain *why* these inequities exist. That is because the cause is not national, it is local. The root problem is that school funding in the United States begins with local property taxes. That means that a district's borders define both the school system and its local tax base, or in other words, which kids have access to which local dollars. This system repeatedly disadvantages poor and minority communities, and this is especially clear in the cases of districts with divisive borders—boundaries that mark large disparities in race and revenue.

No two school districts have exactly the same racial makeup or local tax base. But for almost 1,000 pairs of school districts, the divides are especially large. There are 969 school district borders that create both revenue gaps of at least 10% and differences in racial makeup of 25 percentage points or more. Along these divisive borders, this funding gap is truly a chasm. The average disadvantaged district loses out on the order of \$4,207 per student. And these divides are genuinely a nationwide problem: They can be found in forty-two states, and there are 8.9 million students in the districts on the losing end of these lines. These disadvantaged students comprise an astonishing one in five American public schoolchildren.

Milliken was a huge step backwards for school integration and diversity, but its effects are also felt in the realm of education funding, because school district borders do not exist in a vacuum. They are layered on top of a web of neighborhoods that are highly segregated in their own right, due in large part to a long line of discriminatory public policies that also worked to diminish home values in nonwhite neighborhoods. School districts draw both students and funding from their local areas—areas delimited by school district boundaries. When the underlying communities are racially divided, school districts will be so as well. And when the neighborhoods have either low property values or expensive homes, it will be reflected in schools in the form of local funding drawn from property taxes. Because of the *Milliken* ruling, the borders outlining these areas are left standing even as they divide communities by race and create inequality in tax bases and school dollars.

The ruling left room for states to at least fix the funding divide, but we can see clearly from this analysis that they are falling far short, for three reasons. First, almost all state funding policies begin with a base of local dollars. These policies incentivize borders that cut students off from resources and create broad inequality. Second, state allocations are just not enough to make up the gap between the advantaged and the left-behind. By allowing such large inequalities at the local level, states set themselves an impossible task. Once such disparities open up in local funds, state aid does not do enough to ensure equity—and often cannot, given limitations on state budgets. The result is sharp divides between districts, even from neighbor to neighbor. And third, states oversee how school districts are organized, but year after year, they fail to fix the borders that divide their students and deprive them of resources.

Each of these failures can be redressed, however. Corresponding to the three ways in which they are failing students now, states could take three key steps to address these divides.

- 1) School funding policies are set by states. They should revise their funding systems to change or end the role played by local tax revenues so as to eliminate the local funding disparities between districts.
- 2) Failing a first-order solution that prevents funding gaps from below, states can make up the difference from above by providing disadvantaged districts with equitable and sufficient state aid.
- 3) States should draw borders that include broader communities with diverse students and the resources to support them. At the very least, states can create larger taxing districts for schools, pooling resources and smoothing out funding gaps. And at best, lines can be drawn that divide neither students nor tax bases, bringing a true end to separate and unequal education systems.

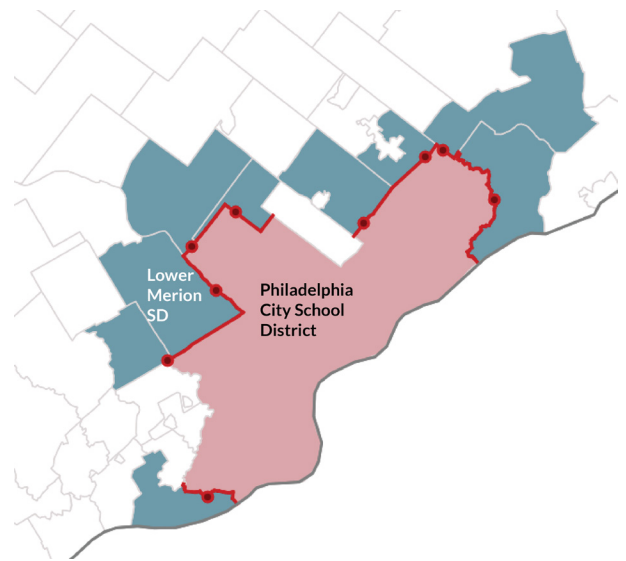
With a sufficient commitment to equity, states can close these divides, unifying students in a fair and just public school system. For far too long they have abdicated the responsibility of fixing one of the greatest injustices of our society, and for far too long, we have let them. Our school district borders are a legacy of the decisions we have made over time to organize our country, and thus our opportunities, by race and class. They are not preordained—they are drawn. And to accept them is to dismiss the fates of millions of children.

INTRODUCTION

"In Brown v. Board of Education, 347 U.S. 483 (1954), this Court held that segregation of children in public schools on the basis of race deprives minority group children of equal educational opportunities, and therefore denies them the equal protection of the laws under the Fourteenth Amendment. This Court recognized then that remedying decades of segregation in public education would not be an easy task... After 20 years of small, often difficult steps toward that great end, the Court today takes a giant step backwards... We deal here with the right of all of our children, whatever their race, to an equal start in life and to an equal opportunity to reach their full potential as citizens. Those children who have been denied that right in the past deserve better than to see fences thrown up to deny them that right in the future. Our Nation, I fear, will be ill-served by the Court's refusal to remedy separate and unequal education, for unless our children begin to learn together, there is little hope that our people will ever learn to live together."

-Justice Thurgood Marshall, dissenting opinion in *Milliken v. Bradley*, pp. 781-783

The students of the School District of Philadelphia are profoundly disadvantaged. Three in ten students live below the federal poverty line, and the median family in the district only brings in about \$40,000 a year, well below the state average.¹ Philadelphia's nonwhite students—86% of its total enrollment—live in a city that is surrounded by thirteen school districts, nearly all of which are whiter and more advantaged.² There is a long history of school and neighborhood segregation in and around Philadelphia that lives on today through the gerrymandered boundaries surrounding the city's schools, two thirds of which mark racial and revenue divides that are among the worst in the country. A case in point is the contrast between the city school district and its western neighbor, Lower Merion School District, which has a poverty rate of just 4% and is 72% white. The border between these districts is one of the most segregating in the country; the race gap between them is more than quadruple the national average. But that's not all. These divisive borders also mark a huge gap in school funding. Powered by rich housing values, Lower Merion has an astonishing \$30,307 per student, close to double what Philadelphia can spend on its much needier students.³



Yet, despite overwhelming evidence of race and revenue segregation between Philadelphia and its neighbors, the community is powerless to demand a desegregation plan that could even out resources and better integrate schools. This is because forty-five years ago, parents in Detroit tried, and failed, to demand something similar in a lawsuit that was appealed all the way to the United States Supreme Court. In its ultimate decision in *Milliken v. Bradley*, the Court gave near-complete deference to school district borders.⁴ It found that if segregation exists between districts rather than within them, there is almost nothing that the courts can do. Local school systems can keep their walls up and can dismiss the needs of the kids shut out. *Milliken* set the terms of the deal: Borders may, and do, systematically enclose minority and poor communities that cannot effectively support their own schools. To this day, that ruling means that small, affluent districts can use borders to keep their resources in and needy students out.

The situation along the border of Philadelphia and Lower Merion is especially stark, but it is not an exception. A huge proportion of students around the country are fenced in by divisive borders: those separating two school districts with wide gaps in both racial makeup and school resources. Eight point nine million children—one in

five US public school students—are in school systems separated from their neighboring districts by at least 25 percentage points in race, with at least 10% less in per-pupil revenue.⁵

Inequality is endemic in the American public education landscape. EdBuild’s [prior school funding research](#) has shown that, on the whole, majority-minority communities are being left behind. We have also looked at the funding [gaps between poor and nonpoor](#) districts to show how the system hurts many low-income communities. Poor, nonwhite districts are twice disadvantaged when it comes to school funding. This is the national reality.

But the national picture doesn’t tell you *why*—because the cause is not national, it is local. Divisive borders, which mark large disparities between neighboring school systems, serve to illustrate the reason for these inequalities. The root cause is that school funding in the United States begins with local property taxes. That means that a district’s borders define both the school system and its local tax base, or in other words, which kids have access to which local dollars.

Thanks to *Milliken*, even when borders divide students from each other and from resources, there is little that can be done to break through those barriers. **Instead**, inequalities open up between neighboring communities, and disadvantaged districts just do not have the local ability to close the gaps. **As a result**, they are dependent on state support to make up the difference—and states are doing a bad job of it.

This report examines the national system of school districts and finds the many borders that mark a stark divide: a broad racial gap between districts, and the gulf in resources that often goes along with that.

ANALYSIS AND FINDINGS

“Because of the already high and rapidly increasing percentage of Negro students in the Detroit system, as well as the prospect of white flight, a Detroit-only plan simply has no hope of achieving actual desegregation. Under such a plan, white and Negro students will not go to school together. Instead, Negro children will continue to attend all-Negro schools. The very evil that Brown I was aimed at will not be cured, but will be perpetuated for the future.”

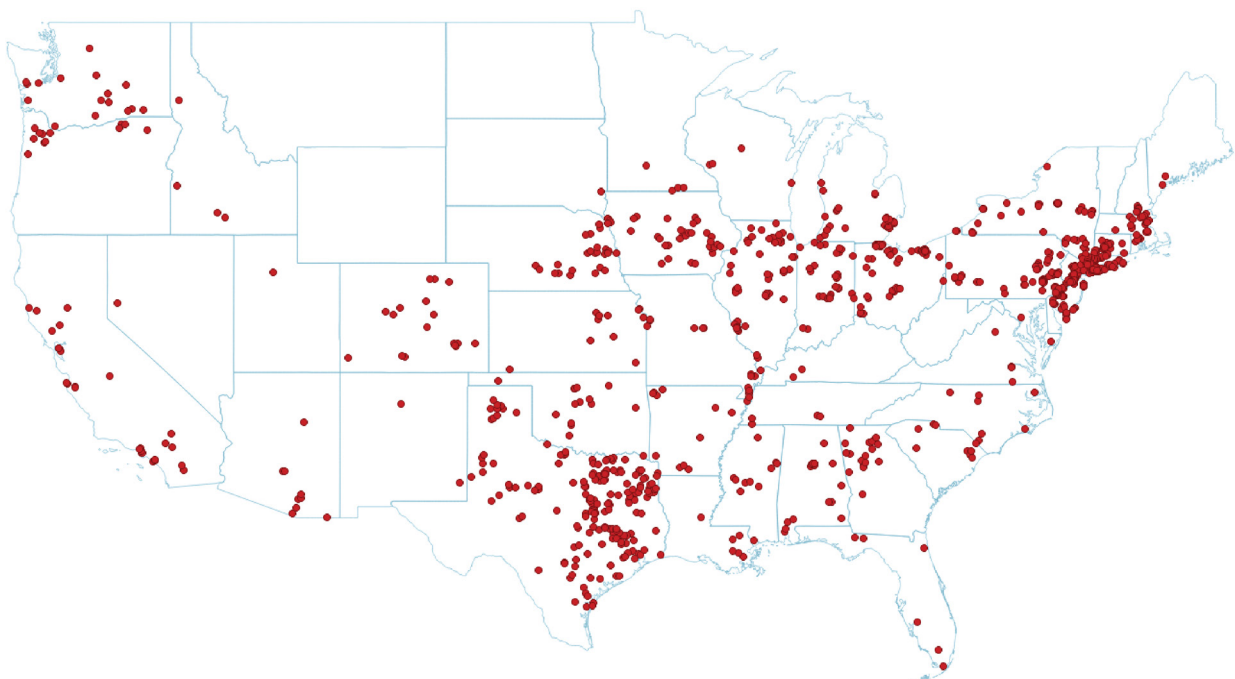
-Justice Thurgood Marshall, dissenting opinion in *Milliken v. Bradley*, p. 802

This year, EdBuild published a report demonstrating that there is a \$23 billion gap between the resources of predominantly white and predominantly nonwhite school districts in the United States. That is a stunning national indictment of a system that is failing over 12 million students who are trapped in districts that are 75% or more nonwhite. In that report, however, we recognized that the root problem of inequity in our system is driven by local conditions: housing segregation, gerrymandering, and school funding systems that create disparities then do little to equalize the playing field—even for students that live virtually across the street from each other.

In order to take one step further in examining funding gaps, this data explores how school district borders create divides. Using spatial analysis, we identified every pair of unified school district neighbors (with the exception of those classified by the U.S. Census as “rural, remote” and those with one student per square mile or fewer) that are within the same state and share a land border. We then analyzed the racial and revenue effects of the school district boundaries between these neighbors, ultimately comparing 18,857 sets of neighboring districts across the country.⁶

The divisive school district borders

No two school districts have exactly the same local tax base, and that means that every pair of neighbors has a divide: a local revenue gap that begins their schools’ funding on unequal terms. This disparity is especially grave, though, where districts are divided by race. For neighboring districts with a 25-percentage-point difference in nonwhite enrollment, the average local revenue gap is \$1,355, or close to quadruple the national average.



Sometimes the local funding is not the whole story. States are making up the difference in many instances. But along 969 of the most racially divisive school district borders, states fall spectacularly short, and the less-white district ends up with at least 10% less than its whiter neighbor in total per-pupil funding.

Along these 969 borders, this funding gap is truly a chasm. The average disadvantaged district loses out on the order of \$4,207 per student. This gap is driven by two problems. First, these school districts' borders define widely unequal tax bases, leading to big disparities in local dollars: The average local revenue difference across these 969 borders is a vast \$5,150 per pupil. Second, states are doing far too little to make up for this ground-level inequality. While states are giving a bit more money to the disadvantaged districts, it amounts to just \$943 a student on average, not nearly enough to make up for the yawning disparity in local funds. Meanwhile, the losing districts actually need more than parity; they need greater funding, commensurate with their students' more significant needs. At nearly all of these divisive borders, the more nonwhite district is also serving a higher proportion of students in poverty than its whiter, better-funded neighbor, making the resource disparities all the more troubling.



East Texas district map

Local fund discrepancies—which on the whole drive the deficits between these districts—are massive in some states. In New York, just on average, there is a \$10,845 difference between what the whiter, wealthier district can raise for their schools compared to their neighbor. But all states have neighbors with striking differences in local funds. Consider Carmel, California for instance, where residents are generating over \$21,000 per student from local taxes alone—compared to neighboring Gonzales's \$4,399 per student. On the whole, though, it is New Jersey that fares the worst in the total overall gap between districts⁷. Even after the state tries to make up the difference, there remains an \$8,698 average difference in total resources between more advantaged districts and their needier neighbor.

The blame for both sides of this funding imbalance can be laid at the feet of state governments. It is undoubtedly the state's obligation to ensure that state funding is sufficient to provide an equitable education for students in all districts. But it should also be understood as the state's responsibility to oversee a system of school district borders where wide local revenue gaps do not exist in the first place.

These divides are a truly nationwide problem. They can be found in forty-two states, and the districts split by these lines serve 11.7 million students. All of these children are worse off for the lack of diversity in their classrooms. The 8.9 million students in the districts on the losing end of these lines, though, are doubly harmed, as they lose out on important resources and supports as well. These disadvantaged students comprise an astonishing one in five American public schoolchildren. More than half of all public school students in the state of New York are similarly walled in by race and revenue, as are almost half of the students in Illinois. While the big cities of these states are home to a large number of these disadvantaged students, they are not the whole picture. New York City has only two of 113 divisive borders in the state, and Chicago has only one of Illinois' 43 divisive lines (see: Appendix A for the count and impact of divisive borders in each state).

It is noteworthy that while there are 11.7 million students on both sides of these divisive borders, over three quarters of them—8.9 million children—are enrolled on the disadvantaged sides of the lines. This is because, on the whole, the more nonwhite, lower-funded districts are significantly denser than their more advantaged neighbors. Nationally, this works out to about three disadvantaged students for each advantaged student. The average enrollment of districts on the disadvantaged side of the line is 15,311, compared to just over 3,500 students served by their whiter neighbors.

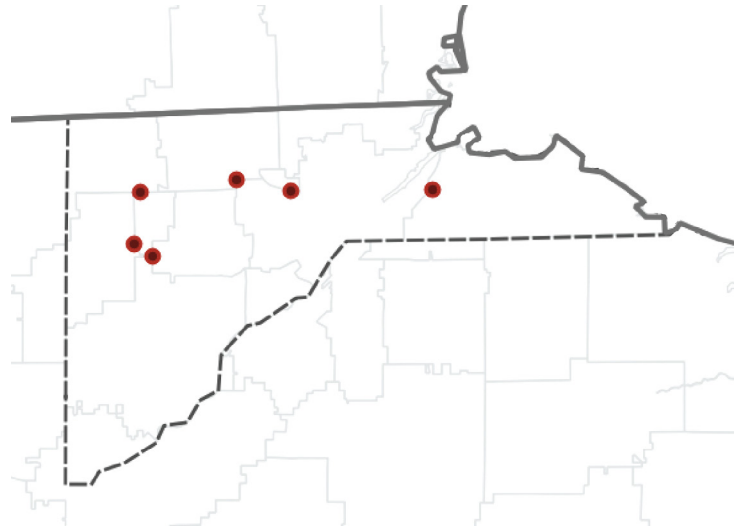
These differences are significant because they reflect a trend: It is common around the country for majority-minority communities to be hemmed into single, large school districts while whiter and more affluent communities each get their own micro-district. One important ramification of this difference is that it is possible for the students of a single disadvantaged district to be isolated behind multiple divisive borders, because they are surrounded by several whiter, better-funded school systems. That's why there are 969 divisive borders in the United States, but only 579 unique disadvantaged districts. Many of them are on the losing end of a number of divides. For instance, in both Bridgeport and Waterbury, Connecticut, the state's neediest students are completely surrounded by borders that can be counted among the most divisive in the country (see: Appendix B for a list of the 100 most isolated school districts in the country). In Reading, Pennsylvania, which was once known for the trains that brought some of the country's first interstate transport, students are now completely entrapped by borders with six wealthier, whiter districts—five of which count among the most deeply divisive borders. The kids on the wrong side of the tracks of the great Reading Railroad now have no way out.

Districts like Reading are almost entirely isolated by their boundaries. However, others' more mixed circumstances demonstrate the fractured nature of our communities. Of the 579 districts on the disadvantaged side of a divisive border, fourteen have an unusual distinction: While they count as disadvantaged compared to one whiter, wealthier neighbor, they are advantaged relative to another neighbor. In these areas, moving from district to district also amounts to stepping up the ladder of wealth, each with a school system substantially more advantaged than the one before. In these areas, students in the worst-funded school system have a district that is at least 50 percentage points whiter than the district that is two borders away, while the district between them is better off than one neighbor but worse off than the other.

For instance, in New Jersey, the 8,000 students of East Brunswick, about half of whom are nonwhite, are substantially better off than those in their 99% nonwhite neighbor New Brunswick, to the tune of over \$2,500 per student. But those same East Brunswick students are considerably disadvantaged compared to the 82% white district of Milltown that cuts into its borders—with a revenue gap upwards of *another* \$2,500. With each step away from Milltown, there is a difference in race of more than 25 percentage points, and a compounding deficit that leaves New Brunswick trailing Milltown by more than \$5,100 per pupil. Meanwhile, a school bus could drive from the middle of Milltown to East Brunswick, and then on to New Brunswick, in just six miles. These stepladder inequalities make it all too clear how illogical and divisive our borders can be.



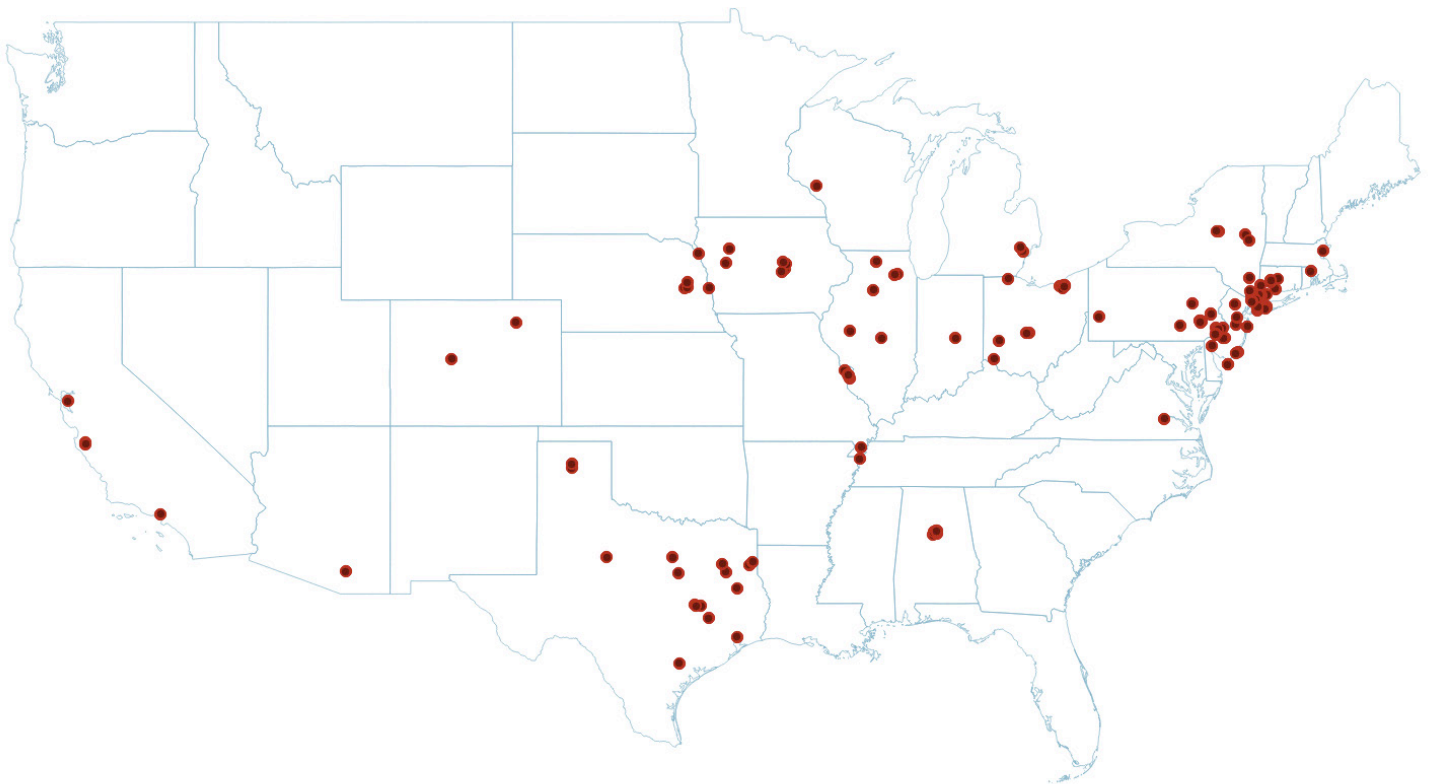
These borders don't separate vast, sprawling communities. In fact, the majority of the divisive borders we see cut between districts in the same county—an important takeaway. Because we can only desegregate within districts, there is the greatest opportunity for integration when districts have broader borders. Many of these divisive lines exist inside counties, pre-existing larger borders, often unnecessarily fractured into hyperlocal subdivides.




Lucas County, Ohio contains ten school districts and six divisive borders.

The deeply divisive school district borders

Disparities in race and revenue are pervasive in the American system of school districts. But even against that troubling backdrop, some spots around the country stand out as particularly concerning. There are 132 school district borders in the United States that create truly extreme divides: gaps in nonwhite enrollment of at least 50 percentage points, paired with funding differences of 20% or more (see: Appendix C for a list of these deeply divisive borders). Along these 132 borders, the funding gap averages out to a whopping \$6,828 per pupil. That's more money than the entire per-pupil state funding amount that most states give their districts. Even these extreme disparities are quite widespread. Twenty-one of the fifty states are home to at least one of the 132 borders, which cut between school systems serving 2.1 million students. The vast majority of these kids—1.8 million, or over 86%—live on the disadvantaged sides of the lines.



These disparities are created by more acute versions of the same problems driving the overall landscape of divisive borders. Borders are drawn around sharply unequal tax bases, yielding hugely lopsided local funding amounts—for these districts, disparities on the order of \$9,089 per student. And states do provide a bit more support to these deeply disadvantaged districts, but not nearly enough to make up the difference. Just \$2,261 more in state aid goes to those school systems on average, leaving that \$6,828 gap (see: Appendices D and E for the count and impact of deeply divisive borders in each state).



It is common around the country for majority-minority communities to be hemmed into single, large school districts while whiter and more affluent communities each get their own micro-district.

Northern New Jersey district map

One way to get a glimpse into the impact of this disparity is to look at the resource needs that teachers report in the classroom. On the website donorschoose.org, teachers can request donor funds for a wide range of classroom projects. Along these 132 borders, 80% of the more disadvantaged districts had at least one teacher turn to crowdfunding on the site for a project in the 2016-17 school year.⁸ Only 30% of the better-off districts did. Even more revealing is the kind of project that teachers posted on the site from the different districts. A sizeable number of the requests from the lesser-funded, majority-nonwhite districts are for students' basic needs: hygiene items, clothing, and food. Such appeals were almost nonexistent from the more affluent districts.

See, for example, the case of St. Louis City School District and its better-off neighbor, Hancock Place School District. The border between them marks a gap in nonwhite enrollment of 62 percentage points, almost four and a half times the national average, and a funding gap of over \$3,300 per pupil. In 2016-17, a teacher in Hancock Place turned to the donors on the site to support the purchase of outdoor picnic tables so that their students would have a place to sit and write when doing outdoor experiential learning projects and science experiments.⁹ By contrast, that same year, a teacher in St. Louis asked for funds to buy students winter hats, scarves, gloves, and hygiene products so that they could have their basic needs addressed during winter. In Yonkers, NY, a district on the losing side of no fewer than three of these deeply divisive borders, 156 pleas for funding were posted in the 2016-17 school year. Those included one from a teacher who sought money for feminine hygiene products for their students. None of the district's better-off neighbors saw teachers post any requests at all.

These disparities are stark—and they truly exist on the most local scale. Over 70% of these extremely divisive borders separate districts that are in the same county. As with the broader set of divisive borders, it would be simple to construct a district map that would diminish segregation and provide fairer funding, because those boundaries are already there. But our funding system, which is rooted in local dollars, motivates the drawing of narrow and exclusionary borders. We have built and upheld lines within lines, in order to preserve “local control” of schools. But we find time and again that the benefits of localism accrue mostly to the privileged few—a relatively small number of people in wealthier and whiter neighborhoods that hold their dollars in and keep other students out.

WHY DISTRICTS ARE DIVIDED

“It is the State, after all, which bears the responsibility under Brown of affording a nondiscriminatory system of education. The State, of course, is ordinarily free to choose any decentralized framework for education it wishes, so long as it fulfills that Fourteenth Amendment obligation. But the State should no more be allowed to hide behind its delegation and compartmentalization of school districts to avoid its constitutional obligations to its children than it could hide behind its political subdivisions to avoid its obligations to its voters.”

-Justice Thurgood Marshall, dissenting opinion in Milliken v. Bradley, p. 808

Today’s deep interdistrict divides owe a debt to the forty-five-year-old United State Supreme Court segregation case *Milliken v. Bradley*, decided on July 25, 1974.¹⁰ This case marked the beginning of the Court’s retreat from seeking to truly dismantle separate and unequal school systems. It centered on Detroit, whose school district, the courts agreed, was highly segregated. But because of white flight out of Detroit, the city school district simply was not sufficiently diverse to achieve integration within its borders; there were not enough white pupils remaining to enroll across the city’s schools. Just outside the school district boundary, though, there were many predominately white suburbs. The district court, weighing the twenty-year-old *Brown v. Board of Education* mandate to integrate schools against the challenges posed by a multi-district plan, emphasized, “School district lines are simply matters of political convenience, and may not be used to deny constitutional rights.”

The court therefore ordered an area-wide integration effort. But when the case reached the Supreme Court, its justices disputed this thinking. They gave deference to the idea of local control in education, and said that the boundaries defining different local districts were bound to be respected. No matter that the existence of the suburban districts was what enabled the white flight in the first place; if those districts had not purposefully participated in the segregation of Detroit, they could not be ordered to participate in the integration scheme. With this ruling, the Court gave school district borders new status. As a result, when divides exist between districts rather than within them, it is all but impossible to surmount them.

Milliken was a huge step backwards for school integration and diversity, but its effects are also felt in the realm of education funding. That’s because school district borders do not exist in a vacuum. They are layered on top of a web of neighborhoods that are highly segregated in their own right, thanks in large part to a long line of discriminatory public policies. Foremost among these were policies related to homebuying—excluding home purchases in African-American neighborhoods from federally backed mortgage loans, for example, and subsidizing the construction of racially segregated housing developments.¹¹



School districts . . . are layered on top of a web of neighborhoods that are highly segregated in their own right, thanks in large part to a long line of discriminatory public policies.

Nebraska district map

Thus, residential segregation in America is specifically linked to inequality in property values and homeownership. School districts draw both students and funding from their local areas—areas defined by school district boundaries. When the underlying communities are racially divided, school districts will be so as well. And when the neighborhoods have either low property values or expensive homes, that will be reflected in schools in the form of local funding drawn from property taxes. Because of the *Milliken* ruling,

the borders outlining these areas are left standing even as they divide communities by race and create inequality in tax bases and school dollars.

Because *Milliken* removed the federal courts from the conversation over whether our school districts are fairly constructed and appropriately funded, the burden has shifted to the states to safeguard education justice. All fifty states' constitutions provide for public schooling, and so it is state governments that must bear responsibility for ensuring that all students have access to a well-funded education. With every legislative session, states have a new opportunity to fulfill this obligation. They could reform their school funding approaches or adjust their appropriations. They could reconsider their laws for how school districts can be drawn and redrawn by local communities or redistrict school systems from the state level. But as we see from this analysis, most states are failing to fulfill their duty to tens of thousands of students.

In the realm of pure funding policy, nearly every state persists in relying on local property tax receipts as the foundation of its school finance system. This means that the funding equation will almost always begin with inequality as different tax bases yield widely disparate local revenue amounts, even from neighbor to neighbor. These broad funding gaps leave states with two choices. First, tolerate the inequality between school districts; or second, attempt to fill in the hole with state dollars. Even for the many states that choose the second course, though, it is often too difficult to muster up enough state funding to match the spending in wealthy school districts. Judging by the evidence of divisive borders, states are failing to close the gap in many places.

If states are unwilling to move away from local tax dollars as the underpinning of education finance, they should at least reconsider how they define "local" for this purpose—that is, how they draw school district borders, or allow them to be drawn. The school district map is governed by state laws. Precise policies vary from state to state, but it is clear from this analysis that borders in the vast majority of states do, at least a fair amount of the time, divide students into districts that are both racially segregated and unequally funded. Given the local basis of school funding, these rifts are predictable. By tying districts' fortunes so directly to their property tax bases, states incentivize affluent communities to draw school district borders narrowly, around just their immediate, high-value neighborhoods. This kind of border helps districts keep tax revenues high, rates low, and needy students out. And, no state has a policy of regularly redistricting its school systems, as we do with legislative districts, to ensure that they do not become too uneven. If the map stays this way, though, then *Milliken* dictates that those borders will likely determine the boundaries of students' opportunities.

The result of these state failures to leverage either school funding policy or states' power over school district borders is clear in this report. Almost 9 million of America's public school students are in districts shortchanged by divisive borders. They are missing out on both the advantages of diverse classrooms and on the benefits of fair and ample school funding.

CONCLUSION

“Today’s holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution’s guarantee of equal justice than it is the product of neutral principle of law. In the short run, it may seem to be the easier course to allow our great metropolitan areas to be divided up each into two cities — one white, the other black — but it is a course, I predict, our people will ultimately regret.”

-Justice Thurgood Marshall, dissenting opinion in *Milliken v. Bradley*, pp. 814-815

Forty-five years ago, in *Milliken v. Bradley*, the United States Supreme Court was faced with a choice. It could prioritize children or the borders that hem them in. The justices chose the latter, and the *Milliken* ruling made school district borders the defining limit of children’s opportunity.

If we tried to draw a national system of borders specifically to exclude, we could hardly do better—and in many local cases, that is exactly what happened, thanks in large part to the incentives of our school finance system. The borders in this report are dramatic, but they are not the exception. To some degree, these divides, in both race and resources, are the norm. Through their funding policies, states endorse a hyperlocal understanding of the public education system. In so doing, they set the stage for communities to take care of their own first, and to have a narrow definition of who that includes. The result is the map we have.

The responsibility to remedy this problem lies with states. But states are falling short of their charge in three ways. First, almost all of their funding policies begin with a base of local dollars. These policies incentivize borders that cut students off from resources and create broad inequality. Second, state allocations are just not enough to make up the gap between the advantaged and the left-behind. By allowing such broad inequality at the local level, states set themselves an impossible task. Once such disparities open up in local funds, state aid does not do enough to ensure equity—and often cannot, given limitations on state budgets. The result is sharp divides between districts, even from neighbor to neighbor. And third, states oversee how school districts are organized, but year after year, they fail to fix the borders that divide their students and deprive them of resources.

But we do have the tools to fix this situation. Corresponding to the three ways in which they are failing students now, states could take three key steps to address these divides.

- 1) School funding policies are set by states, and there is no requirement that they be founded on local dollars. States can, and should, revise their funding systems to change or end the role played by locally governed and locally raised tax revenues so as to eliminate the local funding disparities between districts.
- 2) Failing a first-order solution that prevents funding gaps from below, states have a responsibility to truly make up the difference from above. That means providing disadvantaged districts with equitable and sufficient state aid so that local wealth does not dictate student opportunity.
- 3) States must exercise their authority over school district lines. They should draw borders that include broader communities, with diverse students and the resources to support them—perhaps making use of larger pre-existing lines, which often already contain more racially and economically diverse neighborhoods. To be clear, there are geographic realities that naturally separate communities. A broad river, an island, or a mountain range – these are all dividing factors that create a practical argument for a border to be drawn. But these cases are rare, and the vast majority of divisive borders can be replaced with fairer and more inclusive lines. At the very least, states can create larger taxing districts for schools, pooling resources and smoothing out funding gaps. And at best, lines can be drawn that divide neither tax bases nor students, bringing a true end to separate and unequal education systems.

If states can muster up a sufficient commitment to equity, and the political will, they can close these divides and make sure no more students fall through the cracks. And the federal government can offer support, incentivizing states to take these steps by providing substantially increased federal dollars in support of serious efforts to solve these problems.

Barring the small minority of cases that are dictated by geographic facts on the ground, every line that we have drawn around children in the United States is, in a sense, arbitrary. School district borders do not reflect an effort to provide all children with equal access to a rich and well-resourced education. On the contrary, there is generally no true rationale for those borders other than the decisions we have made over time to organize our country, and thus our opportunities, by race and class. To see these lines as inherent features of our education system is to willfully ignore the many sins of our past. They are not preordained—they are drawn. And to accept them without question is to dismiss the fates of millions of children.

ENDNOTES

1 School district-level data on poverty rates among relevant school-age children in 2017 mentioned in this report come from the Census, Small Area Income and Poverty Estimates (SAIPE). Data mentioned regarding school district median household income for the 2016-17 school year come from the US Department of Education, National Center for Education Statistics, Education Demographic and Geographic Estimates (EDGE). For further information on data sources, see Appendix F.

2 School district nonwhite enrollment data from the 2016-17 school year mentioned in this report come from the US Department of Education, National Center for Education Statistics, Common Core of Data (CCD). For further information on data sources, see Appendix F.

3 Data used in this report regarding school district revenues from state and local sources for the 2016-17 school year come from the Census, Annual Survey of School System Finances (F33).

4 *Milliken v. Bradley*, 418 U.S. 717 (1974).

5 Data used in this report regarding school district enrollment from the 2016-17 school year come from the US Department of Education, National Center for Education Statistics, Common Core of Data (CCD). For further information on methodology, see Appendix F.

6 For further information on methodology, see Appendix F.

7 For the purposes of ranking these state gaps, Nevada has been excluded because it contains only one divisive border, with fewer than 1,000 students in the advantaged district.

8 *DonorsChoose.org OpenData*. <https://data.donorschoose.org>. (2016-2017).

9 Examples are drawn from donorschoose.org data and are included for illustrative purposes only. They have not been independently investigated or verified.

10 *Milliken v. Bradley*, 418 U.S. 717 (1974).

11 Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, 2017).

Appendix A: State Statistics on Divisive Borders

Separating districts by at least a 25-percentage-point difference in race and at least a 10% gap in funding

State	Divisive Borders	Number of Disadvantaged Students	Number of Advantaged Students	Average Disadvantaged District Percent Nonwhite	Average Advantaged Neighbor Percent Nonwhite	Average Percentage Point Difference in Percent Nonwhite	Average Disadvantaged District Revenue Per Pupil	Average Advantaged Neighbor Revenue Per Pupil	Average Revenue Per Pupil Difference	Average Revenue Per Pupil Percent Difference
National	969	8,865,046	2,880,104	65%	25%	42	\$13,157	\$17,176	(\$4,207)	-24%
Alabama	17	187,705	82,307	69%	28%	46	\$9,026	\$11,348	(\$2,363)	-23%
Arizona	9	80,597	85,213	90%	50%	37	\$6,641	\$8,561	(\$1,806)	-24%
Arkansas	12	56,069	46,552	65%	26%	39	\$9,377	\$11,925	(\$2,300)	-22%
California	27	935,214	77,316	80%	45%	38	\$12,841	\$18,355	(\$6,836)	-42%
Colorado	17	72,501	17,948	65%	27%	40	\$9,586	\$14,033	(\$4,613)	-39%
Connecticut	36	147,392	119,843	68%	21%	53	\$18,203	\$21,475	(\$4,168)	-21%
Florida	6	497,260	144,819	78%	42%	42	\$8,278	\$10,683	(\$2,377)	-25%
Georgia	17	497,086	223,763	60%	34%	35	\$9,584	\$11,322	(\$1,952)	-19%
Idaho	4	12,005	10,169	68%	23%	45	\$6,998	\$10,098	(\$3,100)	-36%
Illinois	43	539,094	106,946	58%	16%	42	\$13,348	\$16,544	(\$3,521)	-24%
Indiana	30	147,427	63,496	55%	13%	37	\$11,011	\$13,643	(\$3,252)	-27%
Iowa	36	116,675	24,927	51%	10%	41	\$11,381	\$13,975	(\$2,976)	-23%
Kansas	11	38,916	35,176	48%	16%	34	\$10,035	\$12,957	(\$3,190)	-28%
Kentucky	2	8,803	6,912	47%	13%	35	\$8,638	\$10,029	(\$1,391)	-15%
Louisiana	6	79,557	79,393	68%	29%	35	\$9,787	\$12,601	(\$3,460)	-30%
Maine	2	12,276	4,014	42%	8%	34	\$14,314	\$17,734	(\$3,420)	-21%
Maryland	2	133,772	165,677	78%	53%	25	\$15,266	\$17,950	(\$2,684)	-16%
Massachusetts	21	187,986	57,952	66%	24%	46	\$15,647	\$18,738	(\$3,267)	-19%
Michigan	29	141,936	95,518	65%	20%	46	\$11,364	\$13,402	(\$2,136)	-17%
Minnesota	4	9,078	2,845	38%	8%	32	\$13,069	\$14,891	(\$2,118)	-15%
Mississippi	11	53,150	34,439	85%	42%	40	\$7,866	\$9,288	(\$1,706)	-20%
Missouri	24	102,441	48,917	63%	19%	45	\$10,406	\$13,937	(\$3,899)	-31%
Nebraska	26	117,724	12,262	56%	11%	43	\$11,911	\$16,329	(\$4,771)	-34%
Nevada	1	66,671	425	55%	17%	38	\$9,319	\$18,016	(\$8,698)	-64%
New Hampshire	7	25,857	16,088	40%	10%	30	\$12,304	\$16,329	(\$4,341)	-31%
New Jersey	68	288,250	89,592	73%	33%	41	\$19,746	\$27,063	(\$8,212)	-35%

State	Divisive Borders	Number of Disadvantaged Students	Number of Advantaged Students	Average Disadvantaged District Percent Nonwhite	Average Advantaged Neighbor Percent Nonwhite	Average Percentage Point Difference in Percent Nonwhite	Average Disadvantaged District Revenue Per Pupil	Average Advantaged Neighbor Revenue Per Pupil	Average Revenue Per Pupil Difference	Average Revenue Per Pupil Percent Difference
New Mexico	2	11,824	7,366	85%	27%	58	\$8,724	\$10,248	(\$1,524)	-16%
New York	113	1,323,895	236,607	67%	25%	48	\$24,287	\$30,909	(\$8,150)	-30%
North Carolina	7	132,655	46,674	67%	39%	33	\$8,358	\$9,685	(\$1,208)	-13%
Ohio	51	245,174	90,513	59%	18%	44	\$13,184	\$16,266	(\$4,382)	-29%
Oklahoma	15	37,038	5,547	66%	25%	38	\$7,767	\$9,933	(\$2,112)	-24%
Oregon	12	99,636	4,045	53%	19%	33	\$11,674	\$16,241	(\$4,678)	-33%
Pennsylvania	73	329,856	205,794	60%	21%	47	\$15,308	\$18,659	(\$3,854)	-23%
Rhode Island	7	51,834	17,935	68%	21%	47	\$14,582	\$16,703	(\$2,594)	-17%
South Carolina	9	40,411	82,108	65%	34%	34	\$9,814	\$11,748	(\$2,098)	-20%
South Dakota	1	24,662	4,176	36%	9%	26	\$9,386	\$10,876	(\$1,490)	-15%
Tennessee	4	12,194	18,319	49%	19%	30	\$7,617	\$9,408	(\$1,791)	-21%
Texas	182	1,803,205	458,687	69%	31%	40	\$9,571	\$11,598	(\$2,630)	-25%
Utah	1	69,580	14,662	48%	18%	31	\$7,196	\$8,077	(\$881)	-12%
Virginia	4	15,024	10,847	72%	35%	44	\$10,319	\$12,471	(\$2,354)	-21%
Washington	16	100,031	21,874	62%	28%	37	\$11,799	\$14,442	(\$3,013)	-23%
Wisconsin	4	12,585	2,441	48%	6%	43	\$13,348	\$15,845	(\$2,916)	-20%

Appendix B: The Nation's 100 Most Isolated School Districts

Isolated Rank	State	District Name	Total unified borders	Divisive borders	Percent of borders that are divisive	Deeply divisive borders - subset of divisive	Percent of deeply divisive borders - subset of divisive
1	Connecticut	Waterbury School District	8	8	100%	2	25%
2	Pennsylvania	Reading School District	6	6	100%	5	83%
3	New Hampshire	Manchester School District	5	5	100%	-	-
4	Nebraska	Schuyler Community Schools	4	4	100%	3	75%
5	New Jersey	Lindenwold Borough School District	4	4	100%	2	50%
6	New York	Utica City School District	4	4	100%	2	50%
7	Connecticut	Danbury School District	4	4	100%	1	25%
8	Connecticut	Norwalk School District	4	4	100%	1	25%
9	Pennsylvania	Norristown Area School District	4	4	100%	1	25%
10	Indiana	Marion Community Schools	4	4	100%	-	-
11	Iowa	Sioux City Community School District	4	4	100%	-	-
12	New York	Port Chester-Rye Union Free School District	3	3	100%	3	100%
13	Connecticut	Bridgeport School District	3	3	100%	1	33%
14	Connecticut	Stamford School District	3	3	100%	1	33%
15	New York	Poughkeepsie City School District	3	3	100%	1	33%
16	New Jersey	Wildwood City School District	2	2	100%	2	100%
17	New Jersey	Dover Town School District	2	2	100%	1	50%
18	New York	Glen Cove City School District	2	2	100%	1	50%
19	New York	Peekskill City School District	2	2	100%	1	50%
20	Pennsylvania	Steelton-Highspire School District	2	2	100%	1	50%
21	Iowa	Ottumwa Community School District	2	2	100%	-	-
22	Nebraska	Lexington Public Schools	2	2	100%	-	-
23	New Jersey	Long Branch City School District	2	2	100%	-	-
24	New York	Greenport Union Free School District	2	2	100%	-	-
25	Illinois	Depue Community Unit School District 103	1	1	100%	1	100%
26	Nebraska	South Sioux City Community Schools	1	1	100%	1	100%

Isolated Rank	State	District Name	Total unified borders	Divisive borders	Percent of borders that are divisive	Deeply divisive borders - subset of divisive	Percent of deeply divisive borders - subset of divisive
27	Arizona	Douglas Unified District	1	1	100%	-	-
28	Arizona	Winslow Unified District	1	1	100%	-	-
29	Colorado	Lamar School District RE-2	1	1	100%	-	-
30	Connecticut	New London School District	1	1	100%	-	-
31	Georgia	Rome City School District	1	1	100%	-	-
32	Illinois	Chicago Public School District 299	1	1	100%	-	-
33	Kansas	Emporia Unified School District 253	1	1	100%	-	-
34	Kansas	Liberal Unified School District 480	1	1	100%	-	-
35	Mississippi	Yazoo City Municipal School District	1	1	100%	-	-
36	Oklahoma	Guymon Public Schools	1	1	100%	-	-
37	Oklahoma	Idabel Public Schools	1	1	100%	-	-
38	Pennsylvania	Lebanon School District	1	1	100%	-	-
39	Texas	Pampa Independent School District	1	1	100%	-	-
40	Texas	Vernon Independent School District	1	1	100%	-	-
41	New York	Brentwood Union Free School District	8	7	88%	5	63%
42	Texas	Marshall Independent School District	8	7	88%	2	25%
43	Pennsylvania	Allentown City School District	6	5	83%	2	33%
44	Texas	Dumas Independent School District	6	5	83%	2	33%
45	Ohio	Toledo City School District	11	9	82%	1	9%
46	Texas	Abilene Independent School District	5	4	80%	-	-
47	New York	Ossining Union Free School District	5	4	80%	2	40%
48	Connecticut	New Britain School District	5	4	80%	1	20%
49	Illinois	Beardstown Community Unit School District 15	5	4	80%	1	20%
50	Massachusetts	Lynn School District	5	4	80%	1	20%
51	New York	Yonkers City School District	8	6	75%	3	38%
52	Pennsylvania	Hazleton Area School District	8	6	75%	1	13%
53	Texas	Hillsboro Independent School District	8	6	75%	1	13%

Isolated Rank	State	District Name	Total unified borders	Divisive borders	Percent of borders that are divisive	Deeply divisive borders - subset of divisive	Percent of deeply divisive borders - subset of divisive
54	Illinois	Sterling Community Unit District 5	4	3	75%	-	-
55	Kansas	Geary County Schools Unified School District 475	4	3	75%	-	-
56	Nebraska	Gibbon Public Schools	4	3	75%	-	-
57	New York	Jamestown City School District	4	3	75%	-	-
58	Pennsylvania	Muhlenberg School District	4	3	75%	-	-
59	Texas	Madisonville Consolidated Independent School District	4	3	75%	-	-
60	Illinois	Aurora East Unit School District 131	4	3	75%	1	25%
61	New York	Hempstead Union Free School District	4	3	75%	1	25%
62	Pennsylvania	Sto-Rox School District	4	3	75%	1	25%
63	Nebraska	Fremont Public Schools	7	5	71%	-	-
64	New York	Riverhead Central School District	7	5	71%	-	-
65	Pennsylvania	Philadelphia City School District	13	9	69%	4	31%
66	Georgia	Clayton County School District	6	4	67%	-	-
67	Indiana	West Noble School Corporation	6	4	67%	-	-
68	Texas	Huntsville Independent School District	6	4	67%	-	-
69	Iowa	Marshalltown Community School District	6	4	67%	4	67%
70	New York	Westbury Union Free School District	6	4	67%	2	33%
71	Illinois	Decatur School District 61	6	4	67%	1	17%
72	Arizona	Coolidge Unified District	3	2	67%	-	-
73	California	Monterey Peninsula Unified School District	3	2	67%	-	-
74	Florida	Dade County School District	3	2	67%	-	-
75	Florida	Gadsden County School District	3	2	67%	-	-
76	Illinois	Momence Community Unit School District 1	3	2	67%	-	-
77	Indiana	Richmond Community School Corporation	3	2	67%	-	-
78	Michigan	Ferndale Public Schools	3	2	67%	-	-
79	Nebraska	Norfolk Public Schools	3	2	67%	-	-
80	Nebraska	Wakefield Public Schools	3	2	67%	-	-

Isolated Rank	State	District Name	Total unified borders	Divisive borders	Percent of borders that are divisive	Deeply divisive borders - subset of divisive	Percent of deeply divisive borders - subset of divisive
81	New Hampshire	Nashua School District	3	2	67%	-	-
82	New Jersey	Bound Brook Borough School District	3	2	67%	-	-
83	New York	Bay Shore Union Free School District	3	2	67%	-	-
84	Pennsylvania	Erie City School District	3	2	67%	-	-
85	Pennsylvania	Shenandoah Valley School District	3	2	67%	-	-
86	Pennsylvania	Wilson Area School District	3	2	67%	-	-
87	Texas	Borger Independent School District	3	2	67%	-	-
88	Arizona	Sunnyside Unified District	3	2	67%	1	33%
89	Iowa	Storm Lake Community School District	3	2	67%	1	33%
90	Missouri	Hayti R-II School District	3	2	67%	1	33%
91	Ohio	Fremont City School District	8	5	63%	-	-
92	Illinois	DeKalb Community Unit School District 428	5	3	60%	-	-
93	Illinois	Iroquois West Community Unit School District 10	5	3	60%	-	-
94	Iowa	South Tama County Community School District	5	3	60%	-	-
95	New York	Central Islip Union Free School District	5	3	60%	-	-
96	Texas	Connally Independent School District	5	3	60%	-	-
97	Rhode Island	Pawtucket School District	5	3	60%	1	20%
98	Iowa	Iowa City Community School District	7	4	57%	-	-
99	Texas	Corsicana Independent School District	7	4	57%	-	-
100	Texas	Jacksonville Independent School District	7	4	57%	1	14%

Appendix C: All Deeply Divisive Borders (Subset of Divisive Borders)

Separating districts by at least a 50-percentage-point difference in race and at least a 20% gap in funding

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
1	Alabama	Birmingham City School District	Mountain Brook City School District	99%	4%	95	\$10,171	\$14,327	(\$4,156)	-29%
2	Nebraska	Schuyler Community Schools	East Butler Public Schools	87%	1%	86	\$10,381	\$20,558	(\$10,177)	-50%
3	Ohio	Bedford City School District	Cuyahoga Heights Local School District	91%	8%	84	\$14,490	\$21,020	(\$6,530)	-31%
4	Nebraska	Schuyler Community Schools	North Bend Central Public Schools	87%	4%	83	\$10,381	\$16,330	(\$5,949)	-36%
5	New York	Brentwood Union Free School District	West Islip Union Free School District	96%	15%	81	\$18,852	\$27,622	(\$8,770)	-32%
6	Pennsylvania	Reading School District	Schuylkill Valley School District	94%	15%	79	\$12,484	\$17,741	(\$5,257)	-30%
7	Illinois	Aurora East Unit School District 131	Batavia Unit School District 101	97%	20%	78	\$12,852	\$16,721	(\$3,869)	-23%
8	New York	Brentwood Union Free School District	Commack Union Free School District	96%	18%	78	\$18,852	\$28,702	(\$9,850)	-34%
9	Ohio	Cleveland Municipal School District	Cuyahoga Heights Local School District	84%	8%	77	\$14,202	\$21,020	(\$6,818)	-32%
10	Nebraska	Schuyler Community Schools	David City Public Schools	87%	11%	76	\$10,381	\$19,765	(\$9,384)	-47%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
11	Connecticut	Waterbury School District	Thomaston School District	82%	8%	74	\$16,158	\$20,629	(\$4,471)	-22%
12	New York	Hempstead Union Free School District	Rockville Centre Union Free School District	98%	23%	74	\$23,392	\$30,970	(\$7,578)	-24%
13	Michigan	Oak Park City School District	Berkley School District	97%	25%	73	\$10,789	\$14,970	(\$4,181)	-28%
14	New York	Brentwood Union Free School District	Hauppauge Union Free School District	96%	23%	73	\$18,852	\$29,837	(\$10,985)	-37%
15	Ohio	Garfield Heights City School District	Cuyahoga Heights Local School District	80%	8%	73	\$11,827	\$21,020	(\$9,193)	-44%
16	New York	Uniondale Union Free School District	Carle Place Union Free School District	99%	27%	72	\$25,306	\$36,415	(\$11,109)	-31%
17	New York	Westbury Union Free School District	Carle Place Union Free School District	98%	27%	71	\$23,639	\$36,415	(\$12,776)	-35%
18	New York	Port Chester-Rye Union Free School District	Rye City School District	86%	17%	69	\$17,814	\$24,804	(\$6,990)	-28%
19	Arkansas	Blytheville School District	Armored School District	85%	16%	69	\$9,793	\$15,170	(\$5,377)	-35%
20	New York	Port Chester-Rye Union Free School District	Blind Brook-Rye Union Free School District	86%	17%	69	\$17,814	\$28,304	(\$10,490)	-37%
21	Ohio	Columbus City School District	Grandview Heights City School District	77%	9%	68	\$13,734	\$17,947	(\$4,213)	-23%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
22	Connecticut	Waterbury School District	Regional School District 15	82%	14%	68	\$16,158	\$21,139	(\$4,981)	-24%
23	Texas	Dumas Independent School District	Panhandle Independent School District	82%	14%	68	\$8,502	\$16,962	(\$8,460)	-50%
24	Nebraska	Omaha Public Schools	Fort Calhoun Community Schools	72%	5%	67	\$11,977	\$15,559	(\$3,582)	-23%
25	New Jersey	Neptune Township School District	Avon-by-the-Sea Borough School District	80%	12%	67	\$21,051	\$28,467	(\$7,416)	-26%
26	Ohio	Warrensville Heights City School District	Orange City School District	99%	33%	67	\$18,830	\$29,168	(\$10,338)	-35%
27	New York	Yonkers City School District	Bronxville Union Free School District	83%	17%	66	\$21,400	\$29,125	(\$7,725)	-27%
28	New York	Westbury Union Free School District	East Williston Union Free School District	98%	32%	66	\$23,639	\$34,243	(\$10,604)	-31%
29	Illinois	Depue Community Unit School District 103	Putnam County Community Unit School District 535	81%	15%	66	\$11,502	\$16,969	(\$5,467)	-32%
30	Connecticut	New Haven School District	North Haven School District	86%	20%	66	\$17,523	\$26,897	(\$9,374)	-35%
31	Pennsylvania	Reading School District	Governor Mifflin School District	94%	30%	65	\$12,484	\$16,066	(\$3,582)	-22%
32	New Jersey	Atlantic City School District	Brigantine City School District	95%	30%	65	\$23,755	\$33,461	(\$9,706)	-29%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
33	Iowa	Storm Lake Community School District	Schaller-Crestland Community School District	83%	19%	64	\$11,595	\$14,448	(\$2,853)	-20%
34	Pennsylvania	Philadelphia City School District	Lower Moreland Township School District	86%	22%	64	\$16,187	\$20,800	(\$4,613)	-22%
35	Connecticut	Bridgeport School District	Fairfield School District	86%	22%	64	\$16,000	\$21,589	(\$5,589)	-26%
36	Massachusetts	Lynn School District	Swampscott School District	83%	19%	64	\$14,500	\$19,539	(\$5,039)	-26%
37	Michigan	Pontiac City School District	Bloomfield Hills School District	92%	28%	64	\$14,168	\$19,808	(\$5,640)	-28%
38	New Jersey	Dover Town School District	Randolph Township School District	94%	29%	64	\$14,334	\$21,352	(\$7,018)	-33%
39	New Jersey	Lindenwold Borough School District	Laurel Springs Borough School District	89%	25%	64	\$16,148	\$25,761	(\$9,613)	-37%
40	Connecticut	New Britain School District	Berlin School District	80%	18%	63	\$16,251	\$21,579	(\$5,328)	-25%
41	Pennsylvania	Reading School District	Wilson School District	94%	32%	63	\$12,484	\$16,672	(\$4,188)	-25%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
43	New York	Schenectady City School District	Schalmont Central School District	75%	12%	63	\$18,420	\$25,097	(\$6,677)	-27%
44	California	Los Angeles Unified School District	Beverly Hills Unified School District	90%	27%	63	\$14,763	\$26,021	(\$11,258)	-43%
45	New York	Utica City School District	Frankfort-Schuyler Central School District	69%	7%	62	\$15,995	\$20,098	(\$4,103)	-20%
46	Alabama	Birmingham City School District	Homewood City School District	99%	36%	62	\$10,171	\$12,959	(\$2,788)	-22%
47	Missouri	St. Louis City School District	Hancock Place School District	89%	27%	62	\$12,060	\$15,381	(\$3,321)	-22%
48	Virginia	Petersburg City Public Schools	Colonial Heights City Public Schools	98%	36%	62	\$9,514	\$12,546	(\$3,032)	-24%
49	Pennsylvania	Reading School District	Wyomissing Area School District	94%	33%	62	\$12,484	\$17,834	(\$5,350)	-30%
50	Texas	Hearne Independent School District	Franklin Independent School District	89%	27%	62	\$10,835	\$22,129	(\$11,294)	-51%
51	Ohio	Dayton City School District	Oakwood City School District	75%	14%	61	\$13,545	\$18,267	(\$4,722)	-26%
52	Pennsylvania	Philadelphia City School District	Springfield Township School District	86%	26%	61	\$16,187	\$22,284	(\$6,097)	-27%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
53	Pennsylvania	Philadelphia City School District	Colonial School District	86%	25%	61	\$16,187	\$24,200	(\$8,013)	-33%
54	Missouri	St. Louis City School District	Clayton School District	89%	28%	61	\$12,060	\$24,724	(\$12,664)	-51%
55	Illinois	Decatur School District 61	Meridian Community Unit School District 15	63%	3%	60	\$11,782	\$14,763	(\$2,981)	-20%
56	Ohio	Columbus City School District	Bexley City School District	77%	17%	60	\$13,734	\$17,358	(\$3,624)	-21%
57	Missouri	Hayti R-II School District	North Pemiscot County R-I School District	75%	15%	60	\$8,712	\$11,213	(\$2,501)	-22%
58	New York	Brentwood Union Free School District	Islip Union Free School District	96%	36%	60	\$18,852	\$27,734	(\$8,882)	-32%
59	Missouri	University City School District	Clayton School District	89%	28%	60	\$15,609	\$24,724	(\$9,115)	-37%
60	Pennsylvania	Allentown City School District	Salisbury Township School District	89%	29%	60	\$13,908	\$23,336	(\$9,428)	-40%
61	California	Soledad Unified School District	Carmel Unified School District	98%	38%	60	\$13,490	\$24,183	(\$10,693)	-44%
62	Texas	Calvert Independent School District	Franklin Independent School District	87%	27%	60	\$11,617	\$22,129	(\$10,512)	-48%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
63	California	Gonzales Unified School District	Carmel Unified School District	98%	38%	60	\$12,341	\$24,183	(\$11,842)	-49%
64	New York	Yonkers City School District	Hastings-on-Hudson Union Free School District	83%	24%	59	\$21,400	\$28,241	(\$6,841)	-24%
65	Pennsylvania	Philadelphia City School District	Lower Merion School District	86%	28%	59	\$16,187	\$30,307	(\$14,120)	-47%
66	Texas	Fort Worth Independent School District	Godley Independent School District	89%	31%	58	\$9,559	\$12,593	(\$3,034)	-24%
67	Pennsylvania	Norristown Area School District	Colonial School District	83%	25%	58	\$18,039	\$24,200	(\$6,161)	-25%
68	New Jersey	Wildwood City School District	Wildwood Crest Borough School District	76%	18%	58	\$23,375	\$32,022	(\$8,647)	-27%
69	Ohio	Bedford City School District	Orange City School District	91%	33%	58	\$14,490	\$29,168	(\$14,678)	-50%
70	Colorado	Lake County School District R-1	Aspen School District 1	73%	15%	58	\$11,114	\$24,559	(\$13,445)	-55%
71	Pennsylvania	Allentown City School District	Parkland School District	89%	33%	57	\$13,908	\$17,288	(\$3,380)	-20%
72	Illinois	Beardstown Community Unit School District 15	A-C Central Community Unit School District 262	63%	6%	57	\$11,076	\$14,106	(\$3,030)	-21%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
73	New Jersey	Ventnor City City School District	Margate City School District	66%	9%	57	\$32,141	\$41,461	(\$9,320)	-22%
74	Texas	Victoria Independent School District	Meyersville Independent School District	75%	17%	57	\$8,545	\$10,936	(\$2,391)	-22%
75	Wisconsin	Arcadia School District	Gilmanton School District	59%	2%	57	\$12,812	\$17,520	(\$4,708)	-27%
76	Illinois	Rockford School District 205	Byron Community Unit School District 226	69%	12%	57	\$16,223	\$23,408	(\$7,185)	-31%
77	Connecticut	Norwalk School District	New Canaan School District	69%	14%	56	\$21,165	\$26,958	(\$5,793)	-21%
78	Connecticut	Stamford School District	New Canaan School District	70%	14%	56	\$21,278	\$26,958	(\$5,680)	-21%
79	Texas	Jacksonville Independent School District	Bullard Independent School District	71%	14%	56	\$8,640	\$10,936	(\$2,296)	-21%
80	Texas	Hillsboro Independent School District	Covington Independent School District	75%	20%	56	\$9,697	\$12,570	(\$2,873)	-23%
81	Pennsylvania	Upper Darby School District	Haverford Township School District	72%	16%	56	\$13,977	\$18,983	(\$5,006)	-26%
82	Texas	Marshall Independent School District	Beckville Independent School District	76%	20%	56	\$8,429	\$12,417	(\$3,988)	-32%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
83	New York	Ossining Union Free School District	Chappaqua Central School District	77%	22%	55	\$24,598	\$31,280	(\$6,682)	-21%
84	Alabama	Birmingham City School District	Hoover City School District	99%	43%	55	\$10,171	\$13,140	(\$2,969)	-23%
85	Ohio	Cincinnati City School District	Indian Hill Exempted Village School District	76%	21%	55	\$15,297	\$19,782	(\$4,485)	-23%
86	Alabama	Bessemer City School District	Hoover City School District	98%	43%	55	\$9,833	\$13,140	(\$3,307)	-25%
87	Iowa	Marshalltown Community School District	Baxter Community School District	60%	6%	55	\$10,766	\$14,292	(\$3,526)	-25%
88	Indiana	Warren Township Metropolitan School District	Mount Vernon Community School Corporation	72%	18%	55	\$10,740	\$14,710	(\$3,970)	-27%
89	New York	Utica City School District	New York Mills Union Free School District	69%	13%	55	\$15,995	\$21,953	(\$5,958)	-27%
90	Ohio	Toledo City School District	Evergreen Local School District	64%	9%	55	\$10,596	\$14,569	(\$3,973)	-27%
91	Missouri	Hazelwood School District	St. Charles R-VI School District	81%	26%	55	\$11,380	\$16,478	(\$5,098)	-31%
92	New York	Brentwood Union Free School District	Half Hollow Hills Central School District	96%	41%	55	\$18,852	\$28,532	(\$9,680)	-34%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
93	New Jersey	Wildwood City School District	North Wildwood City School District	76%	21%	55	\$23,375	\$36,008	(\$12,633)	-35%
94	New Jersey	Salem City School District	Mannington Township School District	86%	31%	55	\$22,346	\$44,924	(\$22,578)	-50%
95	Texas	Dumas Independent School District	Plemons-Stinnett-Phillips Consolidated Independent School District	82%	27%	55	\$8,502	\$21,012	(\$12,510)	-60%
96	Texas	Nacogdoches Independent School District	Wells Independent School District	80%	26%	54	\$8,681	\$11,190	(\$2,509)	-22%
97	New York	Amsterdam City School District	Galway Central School District	56%	2%	54	\$18,201	\$23,499	(\$5,298)	-23%
98	Nebraska	South Sioux City Community Schools	Homer Community Schools	79%	26%	54	\$11,501	\$15,340	(\$3,839)	-25%
99	Illinois	Aurora West Unit School District 129	Kaneland Community Unit School District 302	74%	20%	54	\$14,311	\$19,584	(\$5,273)	-27%
100	Ohio	Warrensville Heights City School District	Beachwood City School District	99%	45%	54	\$18,830	\$26,664	(\$7,834)	-29%
101	New York	Poughkeepsie City School District	Spackenkill Union Free School District	92%	38%	54	\$20,895	\$29,965	(\$9,070)	-30%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
102	Alabama	Jefferson County School District	Mountain Brook City School District	58%	4%	54	\$9,220	\$14,327	(\$5,107)	-36%
103	Texas	Sweetwater Independent School District	Trent Independent School District	65%	11%	54	\$8,957	\$14,133	(\$5,176)	-37%
104	Pennsylvania	Upper Darby School District	Springfield School District	72%	19%	53	\$13,977	\$17,428	(\$3,451)	-20%
105	Pennsylvania	Reading School District	Antietam School District	94%	42%	53	\$12,484	\$15,839	(\$3,355)	-21%
106	Pennsylvania	Sto-Rox School District	Montour School District	68%	15%	53	\$14,856	\$22,364	(\$7,508)	-34%
107	New York	Port Chester-Rye Union Free School District	Harrison Central School District	86%	33%	53	\$17,814	\$30,412	(\$12,598)	-41%
108	New Jersey	East Windsor Regional School District	Millstone Township School District	67%	14%	53	\$18,413	\$35,251	(\$16,838)	-48%
109	Texas	Tyler Independent School District	Van Independent School District	78%	26%	52	\$9,544	\$12,040	(\$2,496)	-21%
110	New York	Peekskill City School District	Hendrick Hudson Central School District	91%	40%	52	\$24,814	\$31,930	(\$7,116)	-22%
111	Iowa	Denison Community School District	Schleswig Community School District	70%	18%	52	\$10,883	\$14,623	(\$3,740)	-26%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
112	Colorado	Fort Morgan School District RE-3	Weldon Valley School District RE-20J	68%	17%	52	\$9,365	\$12,991	(\$3,626)	-28%
113	Missouri	St. Louis City School District	Maplewood-Richmond Heights School District	89%	37%	52	\$12,060	\$16,919	(\$4,859)	-29%
114	New York	Glen Cove City School District	North Shore Central School District	72%	20%	52	\$25,202	\$37,547	(\$12,345)	-33%
115	New Jersey	Belmar Borough School District	Spring Lake Borough School District	56%	4%	52	\$24,687	\$38,870	(\$14,183)	-36%
116	Iowa	Marshalltown Community School District	East Marshall Community School District	60%	8%	52	\$10,766	\$17,280	(\$6,514)	-38%
117	Iowa	Marshalltown Community School District	GMG Community School District	60%	8%	52	\$10,766	\$21,058	(\$10,292)	-49%
118	Arizona	Sunnyside Unified District	Vail Unified District	96%	45%	51	\$6,071	\$7,621	(\$1,550)	-20%
119	Pennsylvania	Hazleton Area School District	Southern Columbia Area School District	55%	4%	51	\$11,632	\$14,939	(\$3,307)	-22%
120	Rhode Island	Pawtucket School District	Lincoln School District	65%	14%	51	\$13,370	\$17,595	(\$4,225)	-24%
121	Texas	Marshall Independent School District	Elysian Fields Independent School District	76%	24%	51	\$8,429	\$11,120	(\$2,691)	-24%

Rank	State	Disadvantaged district	Advantaged neighbor	Disadvantaged district percent nonwhite	Advantaged neighbor percent nonwhite	Percentage point difference in percent nonwhite	Disadvantaged district total revenue per pupil	Advantaged neighbor total revenue per pupil	Difference in total revenue per pupil	Percent difference in total revenue per pupil
122	Texas	Goose Creek Consolidated Independent School District	Barbers Hill Independent School District	80%	29%	51	\$10,471	\$15,353	(\$4,882)	-32%
123	Iowa	Marshalltown Community School District	BCLUW Community School District	60%	10%	50	\$10,766	\$13,563	(\$2,797)	-21%
124	New York	Yonkers City School District	Tuckahoe Union Free School District	83%	33%	50	\$21,400	\$27,369	(\$5,969)	-22%
125	Pennsylvania	Upper Darby School District	Ridley School District	72%	22%	50	\$13,977	\$18,362	(\$4,385)	-24%
126	California	Oakland Unified School District	Piedmont City Unified School District	90%	40%	50	\$12,721	\$17,725	(\$5,004)	-28%
127	New York	Ossining Union Free School District	Briarcliff Manor Union Free School District	77%	27%	50	\$24,598	\$34,477	(\$9,879)	-29%
128	Pennsylvania	Steelton-Highspire School District	Middletown Area School District	84%	34%	50	\$13,349	\$19,297	(\$5,948)	-31%
129	Connecticut	Danbury School District	New Fairfield School District	64%	15%	50	\$13,299	\$19,549	(\$6,250)	-32%
130	Texas	Navasota Independent School District	Anderson-Shiro Consolidated Independent School District	74%	24%	50	\$8,679	\$12,739	(\$4,060)	-32%
131	New Jersey	Lindenwold Borough School District	Berlin Township School District	89%	40%	50	\$16,148	\$26,522	(\$10,374)	-39%
132	Texas	Bryan Independent School District	Franklin Independent School District	77%	27%	50	\$9,584	\$22,129	(\$12,545)	-57%

Appendix D: State Statistics on Deeply Divisive Borders (Subset of Divisive Borders)

Separating districts by at least a 50-percentage-point difference in race and at least a 20% gap in funding

State	Divisive Borders	Deeply Divisive Subset	Deeply Divisive Number of Disadvantaged Students	Deeply Divisive Number of Advantaged Students	Average Deeply Disadvantaged District Percent Nonwhite	Average Deeply Advantaged Neighbor Percent Nonwhite	Average Percentage Point Difference in Percent Nonwhite	Average Deeply Disadvantaged District Revenue Per Pupil	Average Deeply Advantaged Neighbor Revenue Per Pupil	Average Revenue Per Pupil Difference	Average Revenue Per Pupil Percent Difference
National	969	132	1,829,873	293,122	80%	21%	60	\$14,576	\$21,397	(\$6,828)	-38%
Alabama	17	5	63,846	22,451	85%	28%	64	\$9,742	\$13,475	(\$3,665)	-31%
Arizona	9	1	16,168	12,848	96%	45%	51	\$6,071	\$7,621	(\$1,550)	-23%
Arkansas	12	1	2,151	447	85%	16%	69	\$9,793	\$15,170	(\$5,377)	-43%
California	27	4	690,661	9,224	94%	35%	58	\$13,329	\$22,643	(\$9,699)	-53%
Colorado	17	2	4,246	1,928	71%	16%	55	\$10,240	\$18,775	(\$8,536)	-59%
Connecticut	36	8	110,643	27,144	77%	16%	62	\$17,382	\$22,620	(\$5,933)	-29%
Illinois	43	6	66,929	14,322	75%	13%	62	\$12,958	\$17,592	(\$4,634)	-30%
Indiana	30	1	12,865	3,544	72%	18%	55	\$10,740	\$14,710	(\$3,970)	-31%
Iowa	36	6	10,259	2,475	71%	11%	54	\$11,081	\$15,877	(\$4,954)	-37%
Massachusetts	21	1	15,472	2,260	83%	19%	64	\$14,500	\$19,539	(\$5,039)	-30%
Michigan	29	2	9,102	9,959	95%	26%	68	\$12,478	\$17,389	(\$4,911)	-33%
Missouri	24	6	49,734	10,124	83%	27%	58	\$11,940	\$16,943	(\$6,260)	-41%
Nebraska	26	5	58,271	2,675	80%	9%	73	\$11,286	\$17,510	(\$6,586)	-46%
New Jersey	68	12	32,337	9,447	79%	21%	59	\$21,385	\$32,341	(\$11,227)	-42%
New York	113	24	113,466	61,143	84%	23%	62	\$21,425	\$29,050	(\$8,665)	-35%
Ohio	51	11	167,707	13,013	81%	19%	65	\$14,065	\$20,597	(\$6,946)	-39%
Pennsylvania	73	18	201,619	66,140	79%	25%	59	\$14,304	\$19,632	(\$5,731)	-34%
Rhode Island	7	1	8,984	3,002	65%	14%	51	\$13,370	\$17,595	(\$4,225)	-27%
Texas	182	16	189,891	17,991	78%	22%	56	\$9,410	\$14,009	(\$5,732)	-47%
Virginia	4	1	4,275	2,837	98%	36%	62	\$9,514	\$12,546	(\$3,032)	-27%
Wisconsin	4	1	1,247	148	59%	2%	57	\$12,812	\$17,520	(\$4,708)	-31%

Appendix E: State Statistics on Affected Students and Borders

State	Total students in unified districts in US	Number of disadvantaged students	Percent of disadvantaged students	Number of advantaged students	Number of disadvantaged districts	Total unified borders in state	Divisive borders	Divisive borders as percent of total borders
National	42,648,325	8,865,046	21%	2,880,104	579	8,330	969	12%
Alabama	708,590	187,705	26%	82,307	13	237	17	7%
Arizona	542,351	80,597	15%	85,213	7	87	9	10%
Arkansas	446,177	56,069	13%	46,552	10	429	12	3%
California	4,168,329	935,214	22%	77,316	22	547	27	5%
Colorado	849,437	72,501	9%	17,948	13	172	17	10%
Connecticut	470,338	147,392	31%	119,843	14	241	36	15%
Florida	2,800,677	497,260	18%	144,819	4	136	6	4%
Georgia	1,721,093	497,086	29%	223,763	12	387	17	4%
Idaho	260,003	12,005	5%	10,169	4	121	4	3%
Illinois	1,206,933	539,094	45%	106,946	23	776	43	6%
Indiana	998,440	147,427	15%	63,496	15	743	30	4%
Iowa	468,069	116,675	25%	24,927	15	573	36	6%
Kansas	437,950	38,916	9%	35,176	9	318	11	3%
Kentucky	641,219	8,803	1%	6,912	1	278	2	1%
Louisiana	634,835	79,557	13%	79,393	4	120	6	5%
Maine	153,179	12,276	8%	4,014	2	220	2	1%
Maryland	885,820	133,772	15%	165,677	2	31	2	6%
Massachusetts	830,670	187,986	23%	57,952	13	446	21	5%
Michigan	1,285,364	141,936	11%	95,518	25	1,100	29	3%
Minnesota	753,448	9,078	1%	2,845	3	491	4	1%
Mississippi	430,165	53,150	12%	34,439	10	201	11	5%
Missouri	819,357	102,441	13%	48,917	14	728	24	3%
Nebraska	268,743	117,724	44%	12,262	12	211	26	12%
Nevada	89,469	66,671	75%	425	1	7	1	14%
New Hampshire	123,336	25,857	21%	16,088	2	83	7	8%
New Jersey	1,064,493	288,250	27%	89,592	46	624	68	11%

State	Total students in unified districts in US	Number of disadvantaged students	Percent of disadvantaged students	Number of advantaged students	Number of disadvantaged districts	Total unified borders in state	Divisive borders	Divisive borders as percent of total borders
New Mexico	290,154	11,824	4%	7,366	2	46	2	4%
New York	2,539,493	1,323,895	52%	236,607	55	1,541	113	7%
North Carolina	1,446,411	132,655	9%	46,674	5	239	7	3%
Ohio	1,589,171	245,174	15%	90,513	25	1,649	51	3%
Oklahoma	593,842	37,038	6%	5,547	10	595	15	3%
Oregon	547,246	99,636	18%	4,045	11	255	12	5%
Pennsylvania	1,568,343	329,856	21%	205,794	30	1,326	73	6%
Rhode Island	123,704	51,834	42%	17,935	5	44	7	16%
South Carolina	747,868	40,411	5%	82,108	5	207	9	4%
South Dakota	88,872	24,662	28%	4,176	1	60	1	2%
Tennessee	944,584	12,194	1%	18,319	2	265	4	2%
Texas	4,963,344	1,803,205	36%	458,687	110	1,806	182	10%
Utah	572,580	69,580	12%	14,662	1	56	1	2%
Virginia	1,263,610	15,024	1%	10,847	3	232	4	2%
Washington	1,058,820	100,031	9%	21,874	14	386	16	4%
Wisconsin	785,772	12,585	2%	2,441	4	699	4	1%

Appendix F: Data Sources and Methodology

Data Sources:

To create the school district border dataset, EdBuild used the following data sources:

- School district geography: geography for school district borders for the 2017-18 school year comes from the US Census Bureau, Education Demographic and Geographic Estimates Program (EDGE), [Composite School District Boundaries File](#).
- School district revenues: revenues from federal, state, and local sources for the 2016-17 school year come from the Census, [Annual Survey of School System Finances \(F33\)](#).

The following subtractions were made from the total state and local revenues for each school district:

1. Because it can contribute to large fluctuations in district revenues from year to year, we exclude revenue for capital from the calculation of state revenues.
2. Similarly, we exclude money generated from the sale of property from local revenues, because it too can contribute to large fluctuations in revenues.
3. In just under 2,000 districts, revenues received by local school districts include monies that are passed through to charter schools that are not a part of the local school district but are instead operated by charter local education agencies (charter LEAs). This artificially inflates the revenues in these local school districts, because they include money for students educated outside of the district who are not counted in enrollment totals. To address this, we subtract from state and local revenues a proportional share (based on the percent of each districts' revenues that come from local, state, and federal sources) of the total amount of money sent to outside charter LEAs—an expenditure category included in the F33 survey.
4. In Arkansas, large portions of districts' revenues that should be considered local are categorized as state revenues. The value of this misattribution for each district is described in the F33 documentation as C24, Census state, NCES local revenue. Before analysis, the value of C24 is subtracted from state revenues and added to local revenues for the state of Arkansas.
5. In Texas, many districts report exorbitantly high per-pupil revenues. This is in part because of the policy and procedures for recapturing and redistributing local revenues raised by property-wealthy districts in the state. In the F33 survey, recapture is reported as expenditure code L12. Because these monies are included in the state revenue for other, receiving districts, we subtract a districts' L12 expenditures from their local revenues for the state of Texas.

See the [F33 Survey Documentation and File Layout](#) for state-specific notes relation to education finance data.

- School district enrollments and racial composition: school district enrollment characteristics for the 2016-17 school year come from the US Department of Education, [National Center for Education Statistics, Common Core of Data \(CCD\)](#).
- School district school-age poverty rates: school district-level data on poverty rates among relevant school-age children in 2017 come from the Census, [Small Area Income and Poverty Estimates \(SAIPE\)](#).
- School district community indicators: school district-level data on median owner-occupied property value and median household income for the 2016-17 school year come from the US Department of Education, National Center for Education Statistics, [Education Demographic and Geographic Estimates \(EDGE\)](#).

Methodology:

To begin, EdBuild conducted a spatial analysis of all unified districts in the nation. This process identified all pairs of school district neighbors that share a land border (districts whose shared border exists entirely along a large body of water were not considered to be neighbors). Pairs were then excluded from this neighbor list if their shared boundary was less than 500 feet or if the districts are in different states.

Each neighbor pair was identified by their shared school district border and joined to the above described data from the SAIPE, CCD, and ACS. Then we made the following calculations.

Percent nonwhite calculations: The proportion of students enrolled in a district that are nonwhite was calculated by dividing the number of nonwhite students by the total enrollment within a given district.

Revenue calculations: Per-pupil state and local revenues were calculated by dividing the state and local revenues (adjusted to exclude the monies described above) by fall enrolment counts as reported in the F33 survey. A school district's total revenue per pupil as displayed in the map on the website and in the report's tables and text is the sum of its state revenue per pupil and local revenue per pupil.

The revenue figures are not cost adjusted as the analysis focuses on differences between neighboring districts, which are assumed to have the same cost of living.

School District Exclusions:

EdBuild employed several exclusion criteria in compiling our borders dataset. Our analysis includes only districts that meet our standard requirements for a finance-based analysis. EdBuild excluded districts that are of types 5 (vocational or special education), 6 (nonoperating) or 7 (educational service agency) in the F33 data. If F33 school type is missing, EdBuild excluded districts that are of types 4 (regional education service agency), 5 (state agency), 6 (federal agency), 7 (charter agency), or 8 (other education agency) based on Common Core of Data excepting 26 type 7 (charter agency) districts that are the sole education provider for a geographic area. Further removed were all districts with missing or zero total enrollments, all districts with missing or zero operational schools, and all districts with missing revenues. Districts with very low revenues (<\$500) and very high revenues (>\$100,000) were also excluded.

Geographically, EdBuild excluded any districts from the US territories. Further, because EdBuild only identifies within-state school district neighbors, Hawaii and the District of Columbia were excluded as they each have only one school district.

Edbuild also excluded all elementary and secondary school districts from our dataset, leaving 10,548 unified districts. There are three types of school districts: unified, elementary, and secondary. Thirty states and the District of Columbia have only unified districts. Unified districts are geographically distinct, while elementary and secondary districts overlap. The analysis was confined to unified school district pairs to avoid comparing resources across districts of different types which may have very different structures and needs.

EdBuild also removed all districts with the urbanicity *rural, remote*. This urbanicity classification comes from the US Department of Education, National Center for Education Statistics, Common Core of Data (CCD) which uses an urban-centric locale assignment system. A rural, remote district is a Census-defined rural territory that is more than twenty-five miles from an urbanized area and is also more than ten miles from an urban cluster. EdBuild removed these 1,958 districts from our dataset. Finally, EdBuild removed 260 districts because they

had a student density of less than or equal to one student per square mile. These exclusions were made since these districts may have reason to resource differently than their more populous neighbors and they have unique geographic constraints due to the extremely low student density.

This resulted in a dataset that contains 8,330 districts and 18,857 pairs of district neighbors.

Analysis:

For each school district pair in our dataset EdBuild calculated the following:

1. The percentage point difference in percent of nonwhite students
2. The percentage point difference in poverty rate
3. The absolute and percent difference in local revenue per pupil
4. The absolute and percent difference in state revenue per pupil
5. The absolute and percent difference in total revenue per pupil, with and without impact aid
 - To calculate the difference between neighboring districts' total revenue, impact aid per pupil was added to total revenue per pupil for each district. [Impact aid](#) is federal general aid to "assist local school districts that have lost property tax revenue due to the presence of tax-exempt Federal property, or that have experienced increased expenditures due to the enrollment of federally connected children, including children living on Indian lands." EdBuild included impact aid in our difference calculations to ensure that the total revenue gap between districts was not driven solely from the presence of tax-exempt property or enrollment on Indian lands.
 - Impact aid is not included in all reported total revenue and total revenue difference figures in the report text and tables or on the website. It was only included to find the district pairs categorized below.
6. The absolute and percent difference in median household income
7. The absolute and percent difference in median property value

EdBuild then categorized district pairs into 6 tiers:

1. Revenue gap of at least 10%: district pairs with at least a 10 percent difference in total revenue per pupil including impact aid.
2. Revenue gap of at least 20%: district pairs with at least a 20 percent difference in total revenue per pupil including impact aid.
3. Race gap of at least 25 percentage points: district pairs with at least a 25 percentage point difference in the percent of nonwhite students.
4. Race gap of at least 50 percentage points: district pairs with at least a 50 percentage point difference in the percent of nonwhite students.
5. Divisive borders: district pairs with at least a 25 percentage point difference in the percent of nonwhite students and at least a 10 percent difference in total revenue per pupil including impact aid.
6. Deeply divisive borders: district pairs with at least a 50 percentage point difference in the percent of nonwhite students and at least a 20 percent difference in total revenue per pupil including impact aid.

For the national and state analysis, EdBuild grouped district pairs by the categories outlined above and calculated the following:

- Divisive borders: the number of pairs included in the category
- Disadvantaged districts: the number of unique districts included in the category which are more nonwhite and receive less revenue

- Advantaged districts: the number of unique districts included in the category which are less nonwhite and receive more revenue
- Students in disadvantaged districts: the total number of students enrolled in the category which are more nonwhite and receive less revenue
- Students in advantaged districts: the total number of students enrolled in the category which are less nonwhite and receive more revenue
- Average enrollment in advantaged districts: the average number of students enrolled in each district in the category which are less nonwhite and receive more revenue
- Number of pairs in the same county: the number of school districts neighbors in each category where both districts are in the same county
- Percent of pairs in the same county: the percent of school districts neighbors in each category where both districts are in the same county
- Average local revenue per pupil difference: the average difference in local revenue per pupil between pairs in the category (both in absolute dollars and as a percent difference)
- Average state revenue per pupil difference: the average difference in state revenue per pupil between pairs in the category (both in absolute dollars and as a percent difference)
- Average total revenue per pupil difference: the average difference in total revenue, including impact aid, between pairs in the category (both in absolute dollars and as a percent difference)
- Average poverty rate: the average poverty rate of the districts included in the category
- Average MHI: average median household income for the districts included in the category (both in absolute dollars and as a percent difference)
- Average MPV: average median property value for the districts included in the category (both in absolute dollars and as a percent difference)

Appendix G: Dissenting Opinion of Justice Thurgood Marshall in *Milliken v. Bradley*, 418 U.S. 717 (1974).

In *Brown v. Board of Education*, 347 U.S. 483 (1954), this Court held that segregation of children in public schools on the basis of race deprives minority group children of equal educational opportunities, and therefore denies them the equal protection of the laws under the Fourteenth Amendment. This Court recognized then that remedying decades of segregation in public education would not be an easy task. Subsequent events, unfortunately, have seen that prediction bear bitter fruit. But however imbedded old ways, however ingrained old prejudices, this Court has not been diverted from its appointed task of making “a living truth” of our constitutional ideal of equal justice under law. *Cooper v. Aaron*, 358 U.S. 1, 20 (1958).

After 20 years of small, often difficult steps toward that great end, the Court today takes a giant step backwards. Notwithstanding a record showing widespread and pervasive racial segregation in the educational system provided by the State of Michigan for children in Detroit, this Court holds that the District Court was powerless to require the State to remedy its constitutional violation in any meaningful fashion. Ironically purporting to base its result on the principle that the scope of the remedy in a desegregation case should be determined by the nature and the extent of the constitutional violation, the Court’s answer is to provide no remedy at all for the violation proved in this case, thereby guaranteeing that Negro children in Detroit will receive the same separate and inherently unequal education in the future as they have been unconstitutionally afforded in the past.

I cannot subscribe to this emasculation of our constitutional guarantee of equal protection of the laws, and must respectfully dissent. Our precedents, in my view, firmly establish that where, as here, state-imposed segregation has been demonstrated, it becomes the duty of the State to eliminate root and branch all vestiges of racial discrimination and to achieve the greatest possible degree of actual desegregation. I agree with both the District Court and the Court of Appeals that, under the facts of this case, this duty cannot be fulfilled unless the State of Michigan involves outlying metropolitan area school districts in its desegregation remedy. Furthermore, I perceive no basis either in law or in the practicalities of the situation justifying the State’s interposition of school district boundaries as absolute barriers to the implementation of an effective desegregation remedy. Under established and frequently used Michigan procedures, school district lines are both flexible and permeable for a wide variety of purposes, and there is no reason why they must now stand in the way of meaningful desegregation relief.

The rights at issue in this case are too fundamental to be abridged on grounds as superficial as those relied on by the majority today. We deal here with the right of all of our children, whatever their race, to an equal start in life and to an equal opportunity to reach their full potential as citizens. Those children who have been denied that right in the past deserve better than to see fences thrown up to deny them that right in the future. Our Nation, I fear, will be ill-served by the Court’s refusal to remedy separate and unequal education, for unless our children begin to learn together, there is little hope that our people will ever learn to live together.

I

The great irony of the Court’s opinion and, in my view, its most serious analytical flaw, may be gleaned from its concluding sentence, in which the Court remands for prompt formulation of a decree directed to eliminating the segregation found to exist in Detroit city schools, a remedy which has been delayed since 1970.

The majority, however, seems to have forgotten the District Court’s explicit finding that a Detroit-only decree, the only remedy permitted under today’s decision, “would not accomplish desegregation.”

Nowhere in the Court’s opinion does the majority confront, let alone respond to, the District Court’s conclusion that a remedy limited to the city of Detroit would not effectively desegregate the Detroit city schools. I, for one,

find the District Court’s conclusion well supported by the record, and its analysis compelled by our prior cases. Before turning to these questions, however, it is best to begin by laying to rest some mischaracterizations in the Court’s opinion with respect to the basis for the District Court’s decision to impose a metropolitan remedy.

The Court maintains that, while the initial focus of this lawsuit was the condition of segregation within the Detroit city schools, the District Court abruptly shifted focus in mid-course and altered its theory of the case. This new theory, in the majority’s words, was “equating racial imbalance with a constitutional violation calling for a remedy.” As the following review of the District Court’s handling of the case demonstrates, however, the majority’s characterization is totally inaccurate. Nowhere did the District Court indicate that racial imbalance between school districts in the Detroit metropolitan area or within the Detroit School District constituted a constitutional violation calling for inter-district relief. The focus of this case was from the beginning, and has remained, the segregated system of education in the Detroit city schools and the steps necessary to cure that condition which offends the Fourteenth Amendment.

The District Court’s consideration of this case began with its finding, which the majority accepts, that the State of Michigan, through its instrumentality, the Detroit Board of Education, engaged in widespread purposeful acts of racial segregation in the Detroit School District. Without belaboring the details, it is sufficient to note that the various techniques used in Detroit were typical of methods employed to segregate students by race in areas where no statutory dual system of education has existed. See, e.g., *Keyes v. School District No. 1, Denver, Colorado*, 413 U.S. 189 (1973). Exacerbating the effects of extensive residential segregation between Negroes and whites, the school board consciously drew attendance zones along lines which maximized the segregation of the races in schools as well. Optional attendance zones were created for neighborhoods undergoing racial transition so as to allow whites in these areas to escape integration. Negro students in areas with overcrowded schools were transported past or away from closer white schools with available space to more distant Negro schools. Grade structures and feeder-school patterns were created and maintained in a manner which had the foreseeable and actual effect of keeping Negro and white pupils in separate schools. Schools were also constructed in locations and in sizes which ensured that they would open with predominantly one-race student bodies. In sum, the evidence adduced below showed that Negro children had been intentionally confined to an expanding core of virtually all-Negro schools immediately surrounded by a receding band of all-white schools.

Contrary to the suggestions in the Court’s opinion, the basis for affording a desegregation remedy in this case was not some perceived racial imbalance either between schools within a single school district or between independent school districts. What we confront here is “a systematic program of segregation affecting a substantial portion of the students, schools . . . and facilities within the school system. . . .” *Id.* at 201. The constitutional violation found here was not some de facto racial imbalance, but rather the purposeful, intentional, massive, de jure segregation of the Detroit city schools, which, under our decision in *Keyes*, forms “a predicate for a finding of the existence of a dual school system,” *ibid.*, and justifies “all-out desegregation” *Id.* at 214.

Having found a de jure segregated public school system in operation in the city of Detroit, the District Court turned next to consider which officials and agencies should be assigned the affirmative obligation to cure the constitutional violation. The court concluded that responsibility for the segregation in the Detroit city schools rested not only with the Detroit Board of Education, but belonged to the State of Michigan itself and the state defendants in this case -- that is, the Governor of Michigan, the Attorney General, the State Board of Education, and the State Superintendent of Public Instruction. While the validity of this conclusion will merit more extensive analysis below, suffice it for now to say that it was based on three considerations. First, the evidence at trial showed that the State itself had taken actions contributing to the segregation within the Detroit schools. Second, since the Detroit Board of Education was an agency of the State of Michigan, its acts of racial discrimination were acts of the State for purposes of the Fourteenth Amendment. Finally, the District

Court found that, under Michigan law and practice, the system of education was, in fact, a state school system, characterized by relatively little local control and a large degree of centralized state regulation, with respect to both educational policy and the structure and operation of school district.

Having concluded, then, that the school system in the city of Detroit was a de jure segregated system and that the State of Michigan had the affirmative duty to remedy that condition of segregation, the District Court then turned to the difficult task of devising an effective remedy. It bears repeating that the District Court's focus at this stage of the litigation remained what it had been at the beginning -- the condition of segregation within the Detroit city schools. As the District Court stated:

From the initial ruling [on segregation] to this day, the basis of the proceedings has been and remains the violation: de jure school segregation. . . . The task before this court, therefore, is now, and . . . has always been, how to desegregate the Detroit public schools.

The District Court first considered three desegregation plans limited to the geographical boundaries of the city of Detroit. All were rejected as ineffective to desegregate the Detroit city schools. Specifically, the District Court determined that the racial composition of the Detroit student body is such that implementation of any Detroit-only plan "would clearly make the entire Detroit public school system racially identifiable as Black" and would "leave many of its schools 75 to 90 percent Black." The District Court also found that a Detroit-only plan would change a school system which is now Black and White to one that would be perceived as Black, thereby increasing the flight of Whites from the city and the system, thereby increasing the Black student population.

Based on these findings, the District Court reasoned that "relief of segregation in the public schools of the City of Detroit cannot be accomplished within the corporate geographical limits of the city" because a Detroit-only decree "would accentuate the racial identifiability of the district as a Black school system, and would not accomplish desegregation." The District Court therefore concluded that it "must look beyond the limits of the Detroit school district for a solution to the problem of segregation in the Detroit public schools. . . ."

In seeking to define the appropriate scope of that expanded desegregation area, however, the District Court continued to maintain as its sole focus the condition shown to violate the Constitution in this case -- the segregation of the Detroit school system. As it stated, the primary question remains the determination of the area necessary and practicable effectively to eliminate "root and branch" the effects of state-imposed and supported segregation and to desegregate the Detroit public schools.

There is simply no foundation in the record, then, for the majority's accusation that the only basis for the District Court's order was some desire to achieve a racial balance in the Detroit metropolitan area. In fact, just the contrary is the case. In considering proposed desegregation areas, the District Court had occasion to criticize one of the State's proposals specifically because it had no basis other than its "particular racial ratio," and did not focus on "relevant factors, like eliminating racially identifiable schools [and] accomplishing maximum actual desegregation of the Detroit public schools." Similarly, in rejecting the Detroit School Board's proposed desegregation area, even though it included more all-white districts and therefore achieved a higher white-Negro ratio, the District Court commented:

There is nothing in the record which suggests that these districts need be included in the desegregation area in order to disestablish the racial identifiability of the Detroit public schools. From the evidence, the primary reason for the Detroit School Board's interest in the inclusion of these school districts is not racial desegregation, but to increase the average socio-economic balance of all the schools in the abutting regions and clusters.

The Court also misstates the basis for the District Court's order by suggesting that, since the only segregation proved at trial was within the Detroit school system, any relief which extended beyond the jurisdiction of the Detroit Board of Education would be inappropriate because it would impose a remedy on outlying districts "not

shown to have committed any constitutional violation.” The essential foundation of inter-district relief in this case was not to correct conditions within outlying districts which themselves engaged in purposeful segregation. Instead, inter-district relief was seen as a necessary part of any meaningful effort by the State of Michigan to remedy the state caused segregation within the city of Detroit.

Rather than consider the propriety of inter-district relief on this basis, however, the Court has conjured up a largely fictional account of what the District Court was attempting to accomplish. With all due respect, the Court, in my view, does a great disservice to the District Judge who labored long and hard with this complex litigation by accusing him of changing horses in midstream and shifting the focus of this case from the pursuit of a remedy for the condition of segregation within the Detroit school system to some unprincipled attempt to impose his own philosophy of racial balance on the entire Detroit metropolitan area. The focus of this case has always been the segregated system of education in the city of Detroit. The District Court determined that inter-district relief was necessary and appropriate only because it found that the condition of segregation within the Detroit school system could not be cured with a Detroit-only remedy. It is on this theory that the inter-district relief must stand or fall. Unlike the Court, I perceive my task to be to review the District Court’s order for what it is, rather than to criticize it for what it manifestly is not.

II

As the foregoing demonstrates, the District Court’s decision to expand its desegregation decree beyond the geographical limits of the city of Detroit rested in large part on its conclusions (A) that the State of Michigan was ultimately responsible for curing the condition of segregation within the Detroit city schools, and (b) that a Detroit-only remedy would not accomplish this task. In my view, both of these conclusions are well supported by the facts of this case and by this Court’s precedents.

A

To begin with, the record amply supports the District Court’s findings that the State of Michigan, through state officers and state agencies, had engaged in purposeful acts which created or aggravated segregation in the Detroit schools. The State Board of Education, for example, prior to 1962, exercised its authority to supervise local school site selection in a manner which contributed to segregation. 484 F.2d 215, 238 (CA6 1973). Furthermore, the State’s continuing authority, after 1962, to approve school building construction plans had intertwined the State with site selection decisions of the Detroit Board of Education which had the purpose and effect of maintaining segregation.

The State had also stood in the way of past efforts to desegregate the Detroit city schools. In 1970, for example, the Detroit School Board had begun implementation of its own desegregation plan for its high schools, despite considerable public and official resistance. The State Legislature intervened by enacting Act 48 of the Public Acts of 1970, specifically prohibiting implementation of the desegregation plan and thereby continuing the growing segregation of the Detroit school system. Adequate desegregation of the Detroit system was also hampered by discriminatory restrictions placed by the State on the use of transportation within Detroit. While state aid for transportation was provided by statute for suburban districts, many of which were highly urbanized, aid for intra-city transportation was excepted. One of the effects of this restriction was to encourage the construction of small walk-in neighborhood schools in Detroit, thereby lending aid to the intentional policy of creating a school system which reflected, to the greatest extent feasible, extensive residential segregation. Indeed, that one of the purposes of the transportation restriction was to impede desegregation was evidenced when the Michigan Legislature amended the State Transportation Aid Act to cover intra-city transportation but expressly prohibited the allocation of funds for cross-busing of students within a school district to achieve racial balance. Cf. *North Carolina State Board of Education v. Swann*, 402 U.S. 43 (1971).

Also significant was the State's involvement during the 1950's in the transportation of Negro high school students from the Carver School District past a closer white high school in the Oak Park District to a more distant Negro high school in the Detroit system. Certainly the District Court's finding that the State Board of Education had knowledge of this action and had given its tacit or express approval was not clearly erroneous. Given the comprehensive statutory powers of the State Board of Education over contractual arrangements between school districts in the enrollment of student on a nonresident tuition basis, including certification of the number of pupils involved in the transfer and the amount of tuition charged, over the review of transportation routes and distances, and over the disbursement of transportation funds, the State Board inevitably knew and understood the significance of this discriminatory act.

Aside from the acts of purposeful segregation committed by the State Legislature and the State Board of Education, the District Court also concluded that the State was responsible for the many intentional acts of segregation committed by the Detroit Board of Education, an agency of the State. The majority is only willing to accept this finding arguendo. I have no doubt, however, as to its validity under the Fourteenth Amendment. "The command of the Fourteenth Amendment," it should be recalled, "is that no 'state' shall deny to any person within its jurisdiction the equal protection of the laws." *Cooper v. Aaron*, 358 U.S. 1, 16 (1958). While a State can act only through "the officers or agents by whom its powers are exerted," *Ex parte Virginia*, 100 U.S. 339, 347 (1880), actions by an agent or officer of the State are encompassed by the Fourteenth Amendment for, "as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State." *Ibid.* See also *Cooper v. Aaron*, *supra*; *Virginia v. Rives*, 100 U.S. 313, 318 (1880); *Shelley v. Kraemer*, 334 U.S. 1, 14 (1948).

Under Michigan law a "school district is an agency of the State government." *School District of the City of Lansing v. State Board of Education*, 367 Mich. 591, 600, 116 N.W.2d 866, 870 (1962). It is a legal division of territory, created by the State for educational purposes, to which the State has granted such powers as are deemed necessary to permit the district to function as a State agency.

Detroit Board of Education v. Superintendent of Public Instruction, 319 Mich. 436, 450, 29 N.W.2d 902, 908 (1947). Racial discrimination by the school district, an agency of the State, is therefore racial discrimination by the State itself, forbidden by the Fourteenth Amendment. See, e.g., *Pennsylvania v. Board of Trusts*, 353 U.S. 230 (1957).

We recognized only last Term in *Keyes* that it was the State itself which was ultimately responsible for de jure acts of segregation committed by a local school board. A deliberate policy of segregation by the local board, we held, amounted to "state-imposed segregation." 413 U.S. at 200. Wherever a dual school system exists, whether compelled by state statute or created by a local board's systematic program of segregation, the State automatically assumes an affirmative duty "to effectuate a transition to a racially nondiscriminatory school system" [and] to eliminate from the public schools within their school system "all vestiges of state-imposed segregation."

Ibid. (emphasis added).

Vesting responsibility with the State of Michigan for Detroit's segregated schools is particularly appropriate, as Michigan, unlike some other States, operates a single state-wide system of education, rather than several separate and independent local school systems. The majority's emphasis on local governmental control and local autonomy of school districts in Michigan will come as a surprise to those with any familiarity with that State's system of education. School districts are not separate and distinct sovereign entities under Michigan law, but, rather, are "auxiliaries of the State," subject to its "absolute power." Attorney General of Michigan ex rel. *Kies v. Lowrey*, 199 U.S. 233, 240 (1905). The courts of the State have repeatedly emphasized that education in Michigan is not a local governmental concern, but a state function.

Unlike the delegation of other powers by the legislature to local governments, education is not inherently a part of the local self-government of a municipality. . . . Control of our public school system is a State matter delegated and lodged in the State legislature by the Constitution. The policy of the State has been to retain control of its school system, to be administered throughout the State under State laws by local State agencies organized with plenary powers to carry out the delegated functions given [them] by the legislature.

School District of the City of Lansing v. State Board of Education, supra at 595, 116 N.W.2d at 868. The Supreme Court of Michigan has noted the deep roots of this policy:

It has been settled by the Ordinance of 1787, the several Constitutions adopted in this State, by its uniform course of legislation, and by the decisions of this court, that education in Michigan is a matter of State concern, that it is no part of the local self-government of a particular township or municipality. . . . The legislature has always dictated the educational policy of the State.

In re *School District No. 6*, 284 Mich. 132, 145-146, 278 N.W. 792, 797 (1938).

The State's control over education is reflected in the fact that, contrary to the Court's implication, there is little or no relationship between school districts and local political units. To take the 85 outlying local school districts in the Detroit metropolitan area as examples, 17 districts lie in two counties, two in three counties. One district serves five municipalities; other suburban municipalities are fragmented into as many as six school districts. Nor is there any apparent state policy with regard to the size of school districts, as they now range from 2,000 to 285,000 students.

Centralized state control manifests itself in practice, as well as in theory. The State controls the financing of education in several ways. The legislature contributes a substantial portion of most school districts' operating budgets with funds appropriated from the State's General Fund revenues raised through state-wide taxation. The State's power over the purse can be and is, in fact, used to enforce the State's powers over local districts. In addition, although local districts obtain funds through local property taxation, the State has assumed the responsibility to ensure equalized property valuations throughout the State. The State also establishes standards for teacher certification and teacher tenure; determines part of the required curriculum; sets the minimum school term; approves bus routes, equipment, and drivers; approves textbooks; and establishes procedures for student discipline. The State Superintendent of Public Instruction and the State Board of Education have the power to remove local school board members from office for neglect of their duties.

Most significantly for present purposes, the State has wide-ranging powers to consolidate and merge school districts, even without the consent of the districts themselves or of the local citizenry. See, e.g., Attorney General ex rel. *Keis v. Lowrey*, 131 Mich. 639, 92 N.W. 289 (1902), aff'd, 199 U.S. 233 (1905). Indeed, recent years have witnessed an accelerated program of school district consolidations, mergers, and annexations, many of which were state-imposed. Whereas the State had 7,362 local districts in 1912, the number had been reduced to 1,438 in 1964 and to 738 in 1968. By June, 1972, only 608 school districts remained. Furthermore, the State has broad powers to transfer property from one district to another, again without the consent of the local school districts affected by the transfer. See, e.g., *School District of the City of Lansing v. State Board of Education*, supra; *Imlay Township District v. State Board of Education*, 359 Mich. 478, 102 N.W.2d 720 (1960).

Whatever may be the history of public education in other parts of our Nation, it simply flies in the face of reality to say, as does the majority, that, in Michigan, "[n]o single tradition in public education is more deeply rooted than local control over the operation of schools. . . ." As the State's Supreme Court has said: "We have repeatedly held that education in this State is not a matter of local concern, but belongs to the State at large." *Collins v. City of Detroit*, 195 Mich. 330, 335-336, 161 N.W. 905, 907 (1917). See also *Sturgis v. County of Allegan*, 343 Mich. 209, 215, 72 N.W.2d 56, 59 (1955); *Van Fleet v. Oltman*, 244 Mich. 241, 244, 221 N.W. 299, 300 (1928); *Child Welfare Society of Flint v. Kennedy School District*, 220 Mich. 290, 296, 189 N.W. 1002, 1004 (1922). Indeed, a

study prepared for the 1961 Michigan Constitutional Convention noted that the Michigan Constitution's articles on education had resulted in "the establishment of a state system of education in contrast to a series of local school systems." *Elementary and Secondary Education and the Michigan Constitution, Michigan Constitutional Convention Studies 1* (1961).

In sum, several factors in this case coalesce to support the District Court's ruling that it was the State of Michigan itself, not simply the Detroit Board of Education, which bore the obligation of curing the condition of segregation within the Detroit city schools. The actions of the State itself directly contributed to Detroit's segregation. Under the Fourteenth Amendment, the State is ultimately responsible for the actions of its local agencies. And, finally, given the structure of Michigan's educational system, Detroit's segregation cannot be viewed as the problem of an independent and separate entity. Michigan operates a single state-wide system of education, a substantial part of which was shown to be segregated in this case.

B

What action, then, could the District Court require the State to take in order to cure Detroit's condition of segregation? Our prior cases have not minced words as to what steps responsible officials and agencies must take in order to remedy segregation in the public schools. Not only must distinctions on the basis of race be terminated for the future, but school officials are also clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch.

Green v. County School Board of New Kent County, 391 U.S. 430, 437-438 (1968). See also *Lee v. Macon County Board of Education*, 267 F.Supp. 458 (MD Ala.), *aff'd sub nom. Wallace v. United States*, 389 U.S. 215 (1967). Negro students are not only entitled to neutral nondiscriminatory treatment in the future. They must receive "what Brown promised them: a school system in which all vestiges of enforced racial segregation have been eliminated." *Wright v. Council of the City of Emporia*, 407 U.S. 451, 463 (1972). See also *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 15 (1971). These remedial standards are fully applicable not only to school districts where a dual system was compelled by statute, but also where, as here, a dual system was the product of purposeful and intentional state action. See *Keyes*, 413 U.S. at 200-201.

After examining three plans limited to the city of Detroit, the District Court correctly concluded that none would eliminate root and branch the vestiges of unconstitutional segregation. The plans' effectiveness, of course, had to be evaluated in the context of the District Court's findings as to the extent of segregation in the Detroit city schools. As indicated earlier, the most essential finding was that Negro children in Detroit had been confined by intentional acts of segregation to a growing core of Negro schools surrounded by a receding ring of white schools. Thus, in 1960, of Detroit's 251 regular attendance schools, 100 were 90% or more white and 71 were 90% or more Negro. In 1970, of Detroit's 282 regular attendance schools, 69 were 90% or more white and 133 were 90% or more Negro. While in 1960, 68% of all schools were 90% or more one race, by 1970, 71.6% of the schools fell into that category. The growing core of all-Negro schools was further evidenced in total school district population figures. In 1960, the Detroit system had 46% Negro students and 54% white students, but by 1970, 64% of the students were Negro and only 36% were white. This increase in the proportion of Negro students was the highest of any major Northern city.

It was with these figures in the background that the District Court evaluated the adequacy of the three Detroit-only plans submitted by the parties. Plan A, proposed by the Detroit Board of Education, desegregated the high schools and about a fifth of the middle-level schools. It was deemed inadequate, however, because it did not desegregate elementary schools and left the middle-level schools not included in the plan more segregated than ever. Plan C, also proposed by the Detroit Board, was deemed inadequate because it too covered only some grade levels, and would leave elementary schools segregated. Plan B, the plaintiffs' plan, though requiring the

transportation of 82,000 pupils and the acquisition of 900 school buses, would make little headway in rooting out the vestiges of segregation. To begin with, because of practical limitations, the District Court found that the plan would leave many of the Detroit city schools 75% to 90% Negro. More significantly, the District Court recognized that, in the context of a community which historically had a school system marked by rigid de jure segregation, the likely effect of a Detroit-only plan would be to “change a school system which is now Black and White to one that would be perceived as Black. . . .” The result of this changed perception, the District Court found, would be to increase the flight of whites from the city to the outlying suburbs, compounding the effects of the present rate of increase in the proportion of Negro students in the Detroit system. Thus, even if a plan were adopted which, at its outset, provided in every school a 65% Negro-35% white racial mix in keeping with the Negro-white proportions of the total student population, such a system would, in short order, devolve into an all-Negro system. The net result would be a continuation of the all-Negro schools which were the hallmarks of Detroit’s former dual system of one-race schools.

Under our decisions, it was clearly proper for the District Court to take into account the so-called “white flight” from the city schools which would be forthcoming from any Detroit-only decree. The court’s prediction of white flight was well supported by expert testimony based on past experience in other cities undergoing desegregation relief. We ourselves took the possibility of white flight into account in evaluating the effectiveness of a desegregation plan in *Wright*, supra, where we relied on the District Court’s finding that, if the city of Emporia were allowed to withdraw from the existing system, leaving a system with a higher proportion of Negroes, it “‘may be anticipated that the proportion of whites in county schools may drop as those who can register in private academies.’ . . .” 407 U.S. at 464. One cannot ignore the white flight problem, for where legally imposed segregation has been established, the District Court has the responsibility to see to it not only that the dual system is terminated at once, but also that future events do not serve to perpetuate or reestablish segregation. See *Swann*, 402 U.S. at 21. See also *Green*, 391 U.S. at 438 n. 4; *Monroe v. Board of Comm’rs*, 391 U.S. 450, 459 (1968).

We held in *Swann*, supra, that, where de jure segregation is shown, school authorities must make “every effort to achieve the greatest possible degree of actual desegregation.” 402 U.S. at 26. This is the operative standard reemphasized in *Davis v. School Comm’rs of Mobile County*, 402 U.S. 33, 37 (1971). If these words have any meaning at all, surely it is that school authorities must, to the extent possible, take all practicable steps to ensure that Negro and white children, in fact, go to school together. This is, in the final analysis, what desegregation of the public schools is all about.

Because of the already high and rapidly increasing percentage of Negro students in the Detroit system, as well as the prospect of white flight, a Detroit-only plan simply has no hope of achieving actual desegregation. Under such a plan, white and Negro students will not go to school together. Instead, Negro children will continue to attend all-Negro schools. The very evil that *Brown I* was aimed at will not be cured, but will be perpetuated for the future.

Racially identifiable schools are one of the primary vestiges of state-imposed segregation which an effective desegregation decree must attempt to eliminate. In *Swann*, supra, for example, we held that “[t]he district judge or school authorities . . . will thus necessarily be concerned with the elimination of one-race schools.” 402 U.S. at 26. There is “a presumption,” we stated, “against schools that are substantially disproportionate in their racial composition.” *Ibid.* And in evaluating the effectiveness of desegregation plans in prior cases, we ourselves have considered the extent to which they discontinued racially identifiable schools. See, e.g., *Green v. County School Board of New Kent County*, supra; *Wright v. Council of the City of Emporia*, supra. For a principal end of any desegregation remedy is to ensure that it is no longer “possible to identify a ‘white school’ or a ‘Negro school.’” *Swann*, supra, at 18. The evil to be remedied in the dismantling of a dual system is the “[racial identification of the system’s schools.” *Green*, 391 U.S. at 435. The goal is a system without white schools

or Negro schools a system with “just schools.” *Id.* at 442. A school authority’s remedial plan or a district court’s remedial decree is to be judged by its effectiveness in achieving this end. See *Swann*, *supra*, at 25; *Davis*, *supra*, at 37; *Green*, *supra*, at 439.

We cautioned in *Swann*, of course, that the dismantling of a segregated school system does not mandate any particular racial balance. 402 U.S. at 24. We also concluded that a remedy under which there would remain a small number of racially identifiable schools was only presumptively inadequate and might be justified. *Id.* at 26. But this is a totally different case

The flaw of a Detroit-only decree is not that it does not reach some ideal degree of racial balance or mixing. It simply does not promise to achieve actual desegregation at all. It is one thing to have a system where a small number of students remain in racially identifiable schools. It is something else entirely to have a system where all students continue to attend such schools.

The continued racial identifiability of the Detroit schools under a Detroit-only remedy is not simply a reflection of their high percentage of Negro students. What is or is not a racially identifiable vestige of de jure segregation must necessarily depend on several factors. Cf. *Keyes*, 413 U.S. at 196. Foremost among these should be the relationship between the schools in question and the neighboring community. For these purposes, the city of Detroit and its surrounding suburbs must be viewed as a single community. Detroit is closely connected to its suburbs in many ways, and the metropolitan area is viewed as a single cohesive unit by its residents. About 40% of the residents of the two suburban counties included in the desegregation plan work in Wayne County, in which Detroit is situated. Many residents of the city work in the suburbs. The three counties participate in a wide variety of cooperative governmental ventures on a metropolitan-wide basis, including a metropolitan transit system, park authority, water and sewer system, and council of governments. The Federal Government has classified the tri-county area as a Standard Metropolitan Statistical Area, indicating that it is an area of “economic and social integration.” *United States v. Connecticut National Bank*, *ante* at 670.

Under a Detroit-only decree, Detroit’s schools will clearly remain racially identifiable in comparison with neighboring schools in the metropolitan community. Schools with 65% and more Negro students will stand in sharp and obvious contrast to schools in neighboring districts with less than 2% Negro enrollment. Negro students will continue to perceive their schools as segregated educational facilities, and this perception will only be increased when whites react to a Detroit-only decree by fleeing to the suburbs to avoid integration. School district lines, however innocently drawn, will surely be perceived as fences to separate the races when, under a Detroit-only decree, white parents withdraw their children from the Detroit city schools and move to the suburbs in order to continue them in all-white schools. The message of this action will not escape the Negro children in the city of Detroit. See *Wright*, 407 U.S. at 466. It will be of scant significance to Negro children who have for years been confined by de jure acts of segregation to a growing core of all-Negro schools surrounded by a ring of all-white schools that the new dividing line between the races is the school district boundary.

Nor can it be said that the State is free from any responsibility for the disparity between the racial makeup of Detroit and its surrounding suburbs. The State’s creation, through de jure acts of segregation, of a growing core of all-Negro schools inevitably acted as a magnet to attract Negroes to the areas served by such schools and to deter them from settling either in other areas of the city or in the suburbs. By the same token, the growing core of all-Negro schools inevitably helped drive whites to other areas of the city or to the suburbs. As we recognized in *Swann*:

People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner-city neighborhoods. . . . [Action taken] to maintain the separation of the races with a minimum departure from the formal principles of “neighborhood zoning”. does more than simply influence the short-run composition of the student body. . . . It may well promote

segregated residential patterns which, when combined with “neighborhood zoning,” further lock the school system into the mold of separation of the races. Upon a proper showing, a district court may consider this in fashioning a remedy.

402 U.S. at 20-21. See also *Keyes*, 413 U.S. at 202. The rippling effects on residential patterns caused by purposeful acts of segregation do not automatically subside at the school district border. With rare exceptions, these effects naturally spread through all the residential neighborhoods within a metropolitan area. See *id.* at 202-203.

The State must also bear part of the blame for the white flight to the suburbs which would be forthcoming from a Detroit-only decree and would render such a remedy ineffective. Having created a system where white and Negroes were intentionally kept apart so that they could not become accustomed to learning together, the State is responsible for the fact that many whites will react to the dismantling of that segregated system by attempting to flee to the suburbs. Indeed, by limiting the District Court to a Detroit-only remedy and allowing that flight to the suburbs to succeed, the Court today allows the State to profit from its own wrong and to perpetuate for years to come the separation of the races it achieved in the past by purposeful state action.

The majority asserts, however, that involvement of outlying districts would do violence to the accepted principle that “the nature of the violation determines the scope of the remedy.” *Swann*, *supra*, at 16. Not only is the majority’s attempt to find in this single phrase the answer to the complex and difficult questions presented in this case hopelessly simplistic, but, more important, the Court reads these words in a manner which perverts their obvious meaning. The nature of a violation determines the scope of the remedy simply because the function of any remedy is to cure the violation to which it is addressed. In school segregation cases, as in other equitable causes, a remedy which effectively cures the violation is what is required. See *Green*, 391 U.S. at 439; *Davis*, 402 U.S. at 37. No more is necessary, but we can tolerate no less. To read this principle as barring a district court from imposing the only effective remedy for past segregation and remitting the court to a patently ineffective alternative is, in my view, to turn a simple common sense rule into a cruel and meaningless paradox. Ironically, by ruling out an inter-district remedy, the only relief which promises to cure segregation in the Detroit public schools, the majority flouts the very principle on which it purports to rely.

Nor should it be of any significance that the suburban school districts were not shown to have themselves taken any direct action to promote segregation of the races. Given the State’s broad powers over local school districts, it was well within the State’s powers to require those districts surrounding the Detroit school district to participate in a metropolitan remedy. The State’s duty should be no different here than in cases where it is shown that certain of a State’s voting districts are malapportioned in violation of the Fourteenth Amendment. See *Reynolds v. Sims*, 377 U.S. 533 (1964). Overrepresented electoral districts are required to participate in reapportionment although their only “participation” in the violation was to do nothing about it. Similarly, electoral districts which themselves meet representation standards must frequently be redrawn as part of a remedy for other over- and under-inclusive districts. No finding of fault on the part of each electoral district and no finding of a discriminatory effect on each district is a prerequisite to its involvement in the constitutionally required remedy. By the same logic, no finding of fault on the part of the suburban school districts in this case and no finding of a discriminatory effect on each district should be a prerequisite to their involvement in the constitutionally required remedy.

It is the State, after all, which bears the responsibility under *Brown* of affording a nondiscriminatory system of education. The State, of course, is ordinarily free to choose any decentralized framework for education it wishes, so long as it fulfills that Fourteenth Amendment obligation. But the State should no more be allowed to hide behind its delegation and compartmentalization of school districts to avoid its constitutional obligations to its children than it could hide behind its political subdivisions to avoid its obligations to its voters. *Reynolds v. Sims*, *supra*, at 575. See also *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

It is a hollow remedy indeed where, “after supposed ‘desegregation,’ the schools remained segregated in fact.” *Hobson v. Hansen*, 269 F.Supp. 401, 495 (DDC 1967). We must do better than “substitute . . . one segregated

school system for another segregated school system.” *Wright*, 407 U.S. at 456. To suggest, as does the majority, that a Detroit-only plan somehow remedies the effects of de jure segregation of the races is, in my view, to make a solemn mockery of *Brown I*’s holding that separate educational facilities are inherently unequal and of *Swann*’s unequivocal mandate that the answer to de jure segregation is the greatest possible degree of actual desegregation.

III

One final set of problems remains to be considered. We recognized in *Brown II*, and have reemphasized ever since, that, in fashioning relief in desegregation cases, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs.

Brown II, 349 U.S. at 300. See also *Swann*, *supra*.

Though not resting its holding on this point, the majority suggests that various equitable considerations militate against inter-district relief. The Court, for example, refers to financing and administrative problems, the logistical problems attending large-scale transportation of students, and the prospect of the District Court’s becoming a “de facto legislative authority” and “school superintendent” for the entire area.” The entangling web of problems woven by the Court, however, appears on further consideration to be constructed of the flimsiest of threads.

I deal first with the last of the problems posed by the Court -- the specter of the District Court qua “school superintendent” and “legislative authority” -- for analysis of this problem helps put the other issues in proper perspective. Our cases, of course, make clear that the initial responsibility for devising an adequate desegregation plan belongs with school authorities, not with the District Court. The court’s primary role is to review the adequacy of the school authorities’ efforts and to substitute its own plan only if and to the extent they default. See *Swann*, 402 U.S. at 16; *Green*, 391 U.S. at 439. Contrary to the majority’s suggestions, the District Judge in this case consistently adhered to these procedures, and there is every indication that he would have continued to do so. After finding de jure segregation, the court ordered the parties to submit proposed Detroit-only plans. The state defendants were also ordered to submit a proposed metropolitan plan extending beyond Detroit’s boundaries. As the District Court stated, “the State defendants . . . bear the initial burden of coming forward with a proposal that promises to work.” The state defendants defaulted in this obligation, however. Rather than submit a complete plan, the State Board of Education submitted six proposals, none of which was, in fact, a desegregation plan. It was only upon this default that the District Court began to take steps to develop its own plan. Even then, the District Court maximized school authority participation by appointing a panel representing both plaintiffs and defendants to develop a plan. Pet. App. 99a-100a. Furthermore, the District Court still left the state defendants the initial responsibility for developing both interim and final financial and administrative arrangements to implement inter-district relief. *Id.* at 104a-105a. The Court of Appeals further protected the interests of local school authorities by ensuring that the outlying suburban districts could fully participate in the proceedings to develop a metropolitan remedy.

These processes have not been allowed to run their course. No final desegregation plan has been proposed by the panel of experts, let alone approved by the District Court. We do not know in any detail how many students will be transported to effect a metropolitan remedy, and we do not know how long or how far they will have to travel. No recommendations have yet been submitted by the state defendants on financial and administrative arrangements. In sum, the practicality of a final metropolitan plan is simply not before us at the present time. Since the State and the panel of expert have not yet had an opportunity to come up with a workable remedy, there is no foundation for the majority’s suggestion of the impracticality of inter-district relief. Furthermore, there is no basis whatever for assuming that the District Court will inevitably be forced to assume the role of legislature or school superintendent. Were we to hold that it was its constitutional duty to do so, there is every indication that the State of Michigan would fulfill its obligation and develop a plan which is

workable, administrable, financially sound, and, most important, in the best interest of quality education for all of the children in the Detroit metropolitan area.

Since the Court chooses, however, to speculate on the feasibility of a metropolitan plan, I feel constrained to comment on the problem areas it has targeted. To begin with, the majority's questions concerning the practicality of consolidation of school districts need not give us pause. The State clearly has the power, under existing law, to effect a consolidation if it is ultimately determined that this offers the best prospect for a workable and stable desegregation plan. See *supra* at 796-797. And given the 1,000 or so consolidations of school districts which have taken place in the past, it is hard to believe that the State has not already devised means of solving most, if not all, of the practical problems which the Court suggests consolidation would entail.

Furthermore, the majority ignores long-established Michigan procedures under which school districts may enter into contractual agreements to educate their pupils in other districts using state or local funds to finance nonresident education. Such agreements could form an easily administrable framework for inter-district relief short of outright consolidation of the school districts. The District Court found that inter-district procedures like these were frequently used to provide special educational services for handicapped children, and extensive statutory provision is also made for their use in vocational education. Surely if school districts are willing to engage in inter-district programs to help those unfortunate children crippled by physical or mental handicaps, school districts can be required to participate in an inter-district program to help those children in the city of Detroit whose educations and very futures have been crippled by purposeful state segregation.

Although the majority gives this last matter only fleeting reference, it is plain that one of the basic emotional and legal issues underlying these cases concerns the propriety of transportation of students to achieve desegregation. While others may have retreated from its standards, see, e.g., *Keyes*, 413 U.S. at 217 (POWELL, J., concurring in part and dissenting in part), I continue to adhere to the guidelines set forth in *Swann* on this issue. See 402 U.S. at 231. And though no final desegregation plan is presently before us, to the extent the outline of such a plan is now visible, it is clear that the transportation it would entail will be fully consistent with these guidelines.

First of all, the metropolitan plan would not involve the busing of substantially more students than already ride buses. The District Court found that, state-wide, 35-40% of all students already arrive at school on a bus. In those school districts in the tri-county Detroit metropolitan area eligible for state reimbursement of transportation costs, 42%-52% of all students rode buses to school. In the tri-county areas as a whole, approximately 300,000 pupils arrived at school on some type of bus, with about 60,000 of these apparently using regular public transit. In comparison, the desegregation plan, according to its present rough outline, would involve the transportation of 310,000 students, about 40% of the population within the desegregation area.

With respect to distance and amount of time traveled, 17 of the outlying school districts involved in the plan are contiguous to the Detroit district. The rest are all within 8 miles of the Detroit city limits. The trial court, in defining the desegregation area, placed a ceiling of 40 minutes one way on the amount of travel time, and many students will obviously travel for far shorter periods. As to distance, the average state-wide bus trip is 82 miles one way, and, in some parts of the tri-county area, students already travel for one and a quarter hours or more each way. In sum, with regard to both the number of students transported and the time and distances involved, the outlined desegregation plan "compares favorably with the transportation plan previously operated. . . ." *Swann*, *supra*, at 30.

As far as economics are concerned, a metropolitan remedy would actually be more sensible than a Detroit-only remedy. Because of prior transportation aid restrictions, see *supra* at 791, Detroit largely relied on public transport, at student expense, for those students who lived too far away to walk to school. Since no inventory of school buses existed, a Detroit-only plan was estimated to require the purchase of 900 buses to effectuate the necessary transportation. The tri-county area, in contrast, already has an inventory of 1,800 buses, many of which are now underutilized. Since increased utilization of the existing inventory can take up much of the

increase in transportation involved in the inter-district remedy, the District Court found that only 350 additional buses would probably be needed, almost two-thirds fewer than a Detroit-only remedy. Other features of an inter-district remedy bespeak its practicality, such as the possibility of pairing up Negro schools near Detroit's boundary with nearby white schools on the other side of the present school district line.

Some disruption, of course, is the inevitable product of any desegregation decree, whether it operates within one district or on an inter-district basis. As we said in *Swann*, however:

Absent a constitutional violation, there would be no basis for judicially ordering assignment of students on a racial basis. All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations, and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided. . . .

402 U.S. at 28.

Desegregation is not and was never expected to be an easy task. Racial attitudes ingrained in our Nation's childhood and adolescence are not quickly thrown aside in its middle years. But just as the inconvenience of some cannot be allowed to stand in the way of the rights of others, so public opposition, no matter how strident, cannot be permitted to divert this Court from the enforcement of the constitutional principles at issue in this case. Today's holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution's guarantee of equal justice than it is the product of neutral principle of law. In the short run, it may seem to be the easier course to allow our great metropolitan areas to be divided up each into two cities -- one white, the other black -- but it is a course, I predict, our people will ultimately regret. I dissent.