

# DESEGREGATING NYC

TWELVE STEPS TOWARD A MORE  
INCLUSIVE CITY

**A REPORT BY**

COUNCIL MEMBER BRAD LANDER  
DEPUTY LEADER FOR POLICY  
NEW YORK CITY COUNCIL



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# ACKNOWLEDGEMENTS

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# INTRODUCTION

New York City rightfully takes great pride in its diversity. However, fifty years after the Fair Housing Act of 1968 (passed one week after Martin Luther King Jr. was killed), our city remains more segregated than most metropolitan areas in the United States. In recent decades, many cities around the country became more integrated; the average black-white “dissimilarity index” (the most common measure of residential segregation) fell from 73.1 to 59.4 between 1980 and 2010. New York City’s **remained stagnant** at 81.6. That means over 80% of white or black New Yorkers would have to move to a different neighborhood in order for blacks and whites to be equally distributed across NYC.

Like our neighborhoods, our schools are segregated. In 2014, the **UCLA Civil Rights Project** exposed the

reality that New York’s schools are **among the most segregated** in the country, with 85 percent of black students and 75 percent of Latino students attending “intensely” segregated schools (schools that are less than 10 percent white). This is true both for geographically-zoned elementary schools, for non-zoned high-schools, and for most of what’s in-between.

Public transportation and infrastructure policy has also furthered segregation. While we acknowledge the history of Robert Moses using highways and park construction to divide communities by race, we often ignore the ways that disproportionately siting waste-transfer stations and other locally-unwanted land uses in communities of color perpetuate health disparities and cycles of disinvestment.





# INTRODUCTION

Segregation is corrosive, for both opportunity and democracy. Extreme levels of segregation—like those we have in NYC today—perpetuate racialized inequality, since residential mobility and high-quality public schools are primary avenues of social mobility. Whiter neighborhoods disproportionately feature high-quality schools (with well-funded PTAs), well-tended parks, health-food stores and gyms, and good transit connections. Communities of color are disproportionately transit-deserts, with higher crime, poverty, and asthma rates.

Over the past few years, we have begun to renew conversations about segregation after several decades of denial. They are not easy conversations. It is uncomfortable for many white New Yorkers to acknowledge the ways that segregated schools and neighborhoods amount to hoarding privilege.

At the same time, there are real reasons that people of color are skeptical of traditional conversations about integration.

There's no inherent benefit to living or learning around white people (as is sometimes implied or inferred from integration conversations). There are very real concerns about racial animus and displacement. Our goal cannot be moving a few black kids into a white school, or displacing low- and moderate-income families through gentrification.

Still, if we want a city of equal opportunity and inclusive democracy, we have no choice but to aim for purposeful integration. Segregated neighborhoods cannot offer our families equal access to opportunity. Segregated schools cannot teach our kids inclusive democracy.

At this moment in history, in a world increasingly motivated by tribalism, New York City has a profound opportunity. We can show that it is possible to have a vibrant, creative, inclusive city where no one race or ethnicity is in the majority, where equal opportunity is meaningful, and where the diversity of our schools and neighborhoods reflects the diversity of our city.



# INTRODUCTION

Public policies in housing, education, and infrastructure helped to create a segregated New York City. At this critical moment, 50 years after the assassination of Dr. Martin Luther King Jr. and the passage of the Fair Housing Act, they must help to desegregate it.

This report lays out an agenda for desegregating New York City, 12 steps after we get past denial. These steps will not undo the federal, state and local policies that have contributed to NYC's segregation over many decades (along with private acts of discrimination, and countless individual choices). But they would put us on a path to a more inclusive and equitable city, where our diversity truly was our strength.

# SEGREGATION IN NYC

## SCHOOLS

The typical **white student** in NYC attends a school that is **2x** as white as the proportion of white students in the region.<sup>1</sup>

Only **6%** of NYC schools are considered very diverse.<sup>2</sup>

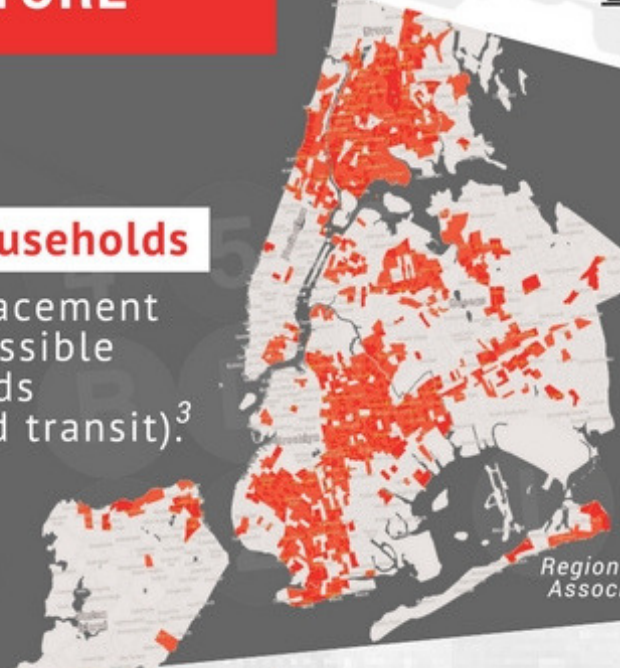


## INFRASTRUCTURE

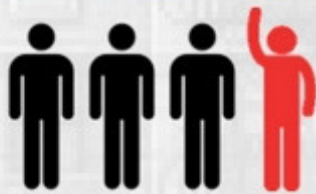
**1.4 million NYC households**

are at-risk of displacement from highly-accessible neighborhoods (walkable, with good transit).<sup>3</sup>

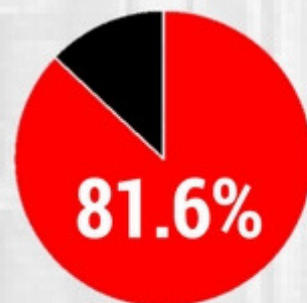
**69%** of the households at-risk of displacement are **black and Hispanic**.<sup>3</sup>



## NEIGHBORHOODS



Only **1-in-4 New Yorkers** live in integrated neighborhoods.<sup>4</sup>



of white or black people would **need to move to a different neighborhood** for NYC to achieve full integration.<sup>5</sup>

1: Kucsera, J. & Orfield, G. (2014). New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future. *The Civil Rights Project*.  
2: Kirkland, D. & Sanzone, J. (2017). Separate and Unequal: A Comparison of Student Outcomes in New York City's Most and Least Diverse Schools. *NYU Metropolitan Center for Research on Equity and the Transformation of Schools*.  
3: Regional Planning Association. (2017). Pushed Out: Housing Displacement in an Unaffordable Region. *A Region Transformed*.  
4: Housing: The Paradox of Inclusion and Segregation in the Nation's Melting Pot." Co-authored with Maxwell Austensen and Jessica Yager. In Benjamin Bowser and Chelli Davedutt, Eds., *Racial Inequality in New York City: Looking Backward and Forward*. Albany, NY: SUNY Press, Forthcoming.  
5: Ellen, I. (2016). Building Justice: New York City's Separate and Unequal Neighborhoods. *City Limits*.

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# RECOMMENDATIONS

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# DESEGREGATING OUR NEIGHBORHOODS

New York City has an extraordinarily diverse population. As of the last **Census in 2010**, no single racial group made up more than 33 percent of the city's population. The immigrant population has grown to **3.3 million**, or nearly 40 percent of New York City's population as of 2017.

Despite this diversity, New York City remains more segregated than most metropolitan areas in the United States. Between **1980 and 2010**, cities around the country became more integrated; the average black-white dissimilarity index (the most common measure of residential segregation) fell from 73.1 to 59.4. New York City remained stagnant at 81.6. That means 81.6 percent of white or black New Yorkers would have to move to a different neighborhood in order for blacks and whites to be equally distributed across NYC.

Put another way, only about 26 percent of New Yorkers live in meaningfully integrated neighborhoods.

That means that about 4.9 million New Yorkers, three quarters of us, are living in neighborhoods that are isolated from people of other races.<sup>1</sup>

As Richard Rothstein has described in detail in his 2017 book, *The Color of Law: A Forgotten History of How our Government Segregated America*, this segregation did not happen “naturally,” or simply as a result of individual choices within the marketplace. Segregation was built and preserved—in NYC and everywhere else in America—by a long list of policies implemented by federal, state and local governments over many years: redlining, segregated public housing, exclusionary zoning, neighborhood schools, and many more.

Unfortunately, even before the roll-backs by the Trump Administration, too little has been done by the Federal government to enforce the promise of desegregation in the Fair Housing Act of 1968, or to fulfill the promise of school integration from *Brown vs. Board of Education* fifteen years earlier.

1. *Housing: The Paradox of Inclusion and Segregation in the Nation's Melting Pot.* Co-authored with Maxwell Austensen and Jessica Yager. In Benjamin Bowser and Chelli Davedutt, Eds., *Racial Inequality in New York City: Looking Backward and Forward*. Albany, NY: SUNY Press, Forthcoming



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Fair Housing Act enforcement has been limited to a couple hundred private and non-profit fair housing organizations who investigate, resolve and remedy acts of housing discrimination across the entire country; but broader patterns of residential segregation have remained shielded from policy intervention.

Residential segregation affects housing options, poverty rates, school performance, college access, levels of safety and crime, rates of asthma, and the long-run outcomes for children. As recently as **this past spring**, Mayor de Blasio said in response to a question about segregation that “we cannot change the basic reality of housing in New York City.” But we simply will not be able to eliminate these disparities without reducing rates of segregation. Here are some next steps we can and should take.

## Step 1.

**Make “Affirmatively Furthering Fair Housing” (AFFH) the law and ongoing practice of New York City.**

While the Fair Housing Act prohibits discrimination in housing, it has done little to combat long-standing patterns of segregation, many of which were created and reinforced by decades of public policy. In response to this issue, the Obama administration adopted a new rule in 2015 that required localities that receive federal funds to assess their segregation patterns and develop plans to “**affirmatively further**” fair housing and work proactively to integrate those neighborhoods. The rule explicitly required localities to take steps to expand housing options for all households, reduce segregation and concentrated poverty and invest in high-poverty communities to expand opportunities for low-income Americans.

The Obama-era AFFH rule was a long-overdue step toward ensuring we meet the obligations and intent of the Fair Housing Act.



## DESEGREGATING OUR NEIGHBORHOODS

Under Donald Trump and Ben Carson, HUD has reversed course and announced it will delay implementation for five years (HUD has also moved backward on the enforcement of more basic types of housing discrimination as well).

Thankfully, the NYC Department of Housing Preservation and Development (HPD), under the leadership of Commissioner Maria Torres-Springer, has committed to move forward with its AFFH planning process nonetheless. This spring, Torres-Springer announced the launch of Where We Live NYC, “a comprehensive fair housing planning process to study, understand, and address patterns of residential segregation and how these patterns impact New Yorkers’ access to opportunity.” The process will include community conversations, data and policy analysis, and will culminate with a report in Fall 2019 that includes goals and strategies “to foster inclusive communities, promote fair housing choice, and increase access to opportunity for all New Yorkers.”

Planning for fair housing and integrated communities should be made the law of New York City, to build a legally mandated, durable platform for our work to confront segregation. This week, the City Council will hear Intro **601-2018** (Speaker Johnson), which would require this process by law, and insure that once completed it is updated on an annual basis, and Intro **607-2018** (Council Member Richards), which would require that the city review each new affordable housing project to make sure it furthers fair housing goals.

## Step 2.

**Commit to inclusionary housing through neighborhood rezonings in “high opportunity neighborhoods,” not just in low-income communities of color.**

Historically, most affordable housing programs have built low-income housing in low-income neighborhoods. Sometimes, the goal was explicitly discriminatory, to keep low-income people out of wealthier, whiter neighborhoods.

# FAIR HOUSING TOOLS FOR A 21ST CENTURY NEW YORK CITY

HUD's traditional fair housing enforcement tools were developed during a time of disinvestment and suburbanization, rather than one of gentrification and displacement. That means NYC will need to pilot a new set of tools.

To the limited extent that HUD officials have been concerned about segregation, they have primarily sought to insure that cities did not concentrate new affordable housing for low-income families in high-poverty, disinvested neighborhoods. This meant seeking to limit the use of low-income housing tax credits in those neighborhoods, pushing against "community preference" requirements that offered a set-aside of affordable units to households already in those neighborhoods, and introducing "small area fair market rents (FMR)" for housing vouchers.

But these policies make little sense to low-income families in communities experiencing rapid gentrification and displacement. The community preference set-aside (currently 50% of affordable units in most NYC-subsidized affordable housing) is the primary reason why local residents support new construction of affordable housing in their neighborhoods. And the "small area FMR" rule had a **bizarre consequence**. While a tenant would have been able to pay \$2,365 (up from \$1,815) to rent a unit in downtown Brooklyn—a welcome change—they would only have been able to pay \$1,287 (down from \$1,727) in the South Bronx, making it difficult for families who lived there to find any housing at all.

New tools are needed to achieve integration. We need stronger policies that achieve the development of significant new affordable housing in wealthier neighborhoods, without eliminating the ability to build and preserve affordable units in poorer ones. It is reasonable to leverage development to mandate affordable units (without subsidy) in high-cost neighborhoods, and to balance that with deploying subsidies to achieve affordability in neighborhoods where the market is not strong enough to cross-subsidize. We also need to implement stronger rules to help low-income families stay in their neighborhoods, if they choose, as gentrification increases the rent. And we need to better connect housing, education, transportation, infrastructure, health, and economic development policy.

NYC's fair housing planning process must put forward a set of new, concrete, measurable strategies that make sense for NYC at this moment. This report is an attempt to lay out what some of those might be.





## DESEGREGATING OUR NEIGHBORHOODS

Other times, the motive was less nefarious: as New York City worked to confront the abandonment crisis of the 1970s and 1980s, the City used subsidies to renovate abandoned buildings in low-income communities to combat the ravages of disinvestment. Regardless of the motives, though, the policies functioned to further segregation.

Mandatory inclusionary housing (MIH)—a core part of Mayor de Blasio’s housing plan—has significant potential to support the intentional desegregation of New York City.

The program, which requires low-income housing units to be included in new market-rate and mixed-income housing in areas that have been rezoned to allow for additional development, has the potential to increase and improve housing options across the city for low-income people and people of color.

However, all of the MIH neighborhood rezonings thus far have taken place in low-income neighborhoods: East New York, Far Rockaway, East Harlem, and Jerome Avenue in the South Bronx.

Community organizing efforts in these neighborhoods have resulted in some concrete wins through the rezoning process, including meaningful investments in infrastructure, community services, and more deeply affordable units. Still, thus far, communities of color have carried the burden of easing New York City’s housing crisis through MIH—though the crisis affects neighborhoods across every borough.

To realize the potential of MIH to increase overall housing opportunities citywide, and to achieve integration without displacement, the City must also rezone whiter, wealthier neighborhoods to create affordable housing opportunities all across NYC.

The first neighborhood rezoning with the potential to achieve this is **Gowanus**, where an integrated neighborhood could be created through new inclusionary housing development, in-between the mostly white neighborhoods of Carroll Gardens, Boerum Hill, and Park Slope. To achieve this goal, the plan must not only create new affordable housing in mixed-income development, but must also strengthen and preserve



## DESEGREGATING OUR NEIGHBORHOODS

strengthen and preserve the public housing units in the neighborhood, and insure that the residents of Wyckoff Gardens, Gowanus, and Warren Street houses are better connected to opportunities in the neighborhood.

But adding one or two wealthier neighborhoods to a list that remains predominantly communities of color is not sufficient. If the fair housing planning process is real, it must lead to comprehensive citywide planning, with desegregation as one of its goals, that sets the City's agenda for growth and development going forward.

### Step 3.

#### **Fight housing discrimination in co-ops (and rentals, too).**

Discrimination in the selling, renting, and leasing of housing is illegal under local, state and federal law. For too long, however, little has been done to enforce these laws. For most of the Giuliani and Bloomberg Administrations, the NYC Commission on Human Rights (CCHR) was allowed to atrophy, and little proactive action was taken.

Over the past four years, that has been changing, with strong new leadership from Chair Carmelyn Malalis and significantly increased funding.

In 2015, the New York City Council passed a bill requiring a fair housing testing program at the NYC Commission on Human Rights (CCHR) to identify and prosecute illegal housing discrimination (including race, ethnicity, immigration status, LGBTQ, and source-of-income discrimination). During these testing programs, undercover “testers” from protected classes, and others who are not, apply for rental housing units in order to uncover any differences in treatment. In 2016, Commission testing found 75 incidents of housing discrimination based on gender identity and source of income. The City should further increase funding for CCHR to ensure the agency can proactively combat housing discrimination through its testing program and effectively enforce the law as the City continues to expand the classes protected under the City's Human Rights Law.

Unfortunately, housing co-ops present a particular challenge in rooting out housing discrimination



## DESEGREGATING OUR NEIGHBORHOODS

Testing programs do not work for co-op sales, since testers do not have credit reports and equity in their bank accounts. The application process to purchase a co-op is notoriously onerous and opaque, with little transparency. While many co-ops are diverse and free of discrimination, allegations of discrimination in co-ops abound, but are difficult to prove.

Given the staggering **black/white wealth gap**—much greater even than the gap in income—in a nation where most people’s primary asset is their home, it is particularly important to combat discrimination and segregation in NYC’s co-op marketplace. To do so, the Council should pass Intro’s **1458-2017** (Council Member Lander) and **1467-2017** (Council Member Jumaane Williams) which would require co-op boards to provide a reason for the rejection of an applicant and insure that applicants receive timely approvals and denials. Fair housing and civil rights experts agree that this simple requirement would make it more difficult to hide outright discrimination. **Suffolk County** already has such a law in place. New York City should follow.

## Step 4.

**Strengthen rent regulations as a strategy for integration without displacement.**

Rent regulations are an underappreciated, but perhaps most important, policy for a diverse city. Strong rent regulations enable low- and moderate-income tenants to stay in their neighborhoods as rents rise—a critical policy to preserving integrated neighborhoods, especially as gentrification continues to roll across NYC’s neighborhoods.

Unfortunately, loopholes in New York’s rent laws cause thousands of units to be lost every year, 65 percent of which are occupied by people of color. Through the “preferential rent” loophole, landlords are allowed to raise the regulated rent over many years (even when the market will not bear it), and then dramatically increase the rent when gentrification suddenly makes it achievable. Vacancy decontrol and vacancy bonuses—loopholes won through landlord lobbying over decades—incentivize landlords to harass rent-regulated tenants out of their homes so they can dramatically increase rents for



## DESEGREGATING OUR NEIGHBORHOODS

future renters and ultimately deregulate the units entirely.

While eliminating these loopholes will require action in Albany, we include it here because it is the most important public policy step we can take to achieve integration without displacement in many neighborhoods. If they are on the side of desegregation, Governor Cuomo and the State Legislature must act to close these loopholes.





# DESEGREGATING OUR SCHOOLS

Sixty years after *Brown v. Board of Education* declared that “separate but equal” schools are inherently unequal, New York City’s schools have re-segregated. In 2014, **UCLA’s Civil Rights Project** published a report that found that New York has the most segregated schools in the country, owing largely to New York City’s deeply stratified system. Over the last 20 years, the uneven distribution of white, black, and Latino students has increased, despite growing diversity. Between 1989 and 2010, intensely segregated schools, or those that are over 90 percent minority, increased by 70 percent in NYC. Almost all of the City’s black and Latino students attended schools with 50 percent or greater minority students. The vast majority of those students were at schools with at least 90 percent minority students, while 30 percent attended schools with less than 1 percent white students. Charter schools present even more disturbing patterns. Seventy-three percent of charter schools have less than 1 percent white enrollment, and 90 percent enroll less than 10 percent white students.

A 2017 analysis by the **Center for New York City Affairs** found that our schools are even more divided than our housing. Forty-five percent of New York City’s elementary schools have student populations that are 90% black and Latino—and nearly 20 percent of these schools are located in relatively integrated neighborhoods. This suggests that residential segregation is not the only factor in school segregation.

Middle schools and high schools are highly segregated as well. **In Brooklyn**, for example, three of the 12 middle schools in District 15 contain 81 percent of the white student population. Within those three middle schools, fewer than 30 percent of students come from low-income families. Meanwhile, the three middle schools at the other end of the spectrum have student bodies that are only 10 percent white, and more than 90 percent low-income.

According to a report by **NYU Steinhardt**, there are nearly 7 times the number of racially isolated high schools as there are diverse ones (192 versus 28).



## DESEGREGATING OUR SCHOOLS

When it comes to **specialized high schools**, the statistics are also deeply troubling. In a city where Black and Latino kids are 68% of the student population, they made up only 9% of the incoming class. While 55 percent of Asian high-performing 7th graders and 27 percent of white high-performing 7th graders attend specialized high schools, only about 14 percent of high-performing Black and Latino students attend these schools.

**Decades of national research** demonstrates that diverse schools yield benefits for all students. In an **analysis** of 2015-2016 New York City school performance, third and eighth grade students from more diverse schools performed better on state standardized tests in English and math than students in less diverse schools. High school students in New York City's more diverse schools are also more likely to graduate within 4 years than students in segregated schools. And there are many other positive outcomes for students attending diverse schools, including higher college attendance and graduation levels and higher income and occupational attainment.

To be clear: there is no inherent benefit to the mere presence of white students in a racially isolated school, or to a student of color in a predominantly white school. Purposeful integration is not about making sure that students of color are around white students. It is about making sure that we treat all students equally; and decades of history show that we cannot achieve this in racially and economically segregated schools.

As the result of persistent advocacy from students, parents, educators, and civil rights advocates (including **IntegrateNYC** and the **Alliance for School Integration and Desegregation**), NYC has finally begun to recognize the harms of school segregation and the vast potential that diverse, inclusive schools hold for our kids' futures.

In 2014, the 60th anniversary of *Brown v. Board*, the City Council held a 10-hour hearing on the topic, leading to the 2015 passage of the **School Diversity Accountability Act** (sponsored by Council Members Lander and Torres). The Act requires the Department of Education to publish an annual report with detailed school-by-school demographic data, down to the grade level (and within specialized



## DESEGREGATING OUR SCHOOLS

efforts and initiatives to strengthen diversity. An accompanying resolution called on the DOE to officially make school diversity a priority in admissions and related policies, and to develop a strategy for addressing segregation.

Two years later, in June 2017, the DOE released **Equity and Excellence for All: Diversity in NYC's Public Schools**. The plan made clear that diverse schools are a policy priority for the City. For the first time, it set numeric targets for increasing the number of students in racially representative schools (by 50,000), and decreasing the number in economically stratified ones (by 10%). It began to set out strategies for achieving those targets. And it established a School Diversity Advisory Group including students, educators, and advocates to oversee the process.

Unfortunately, the plan falls short on many fronts. The plan failed to use the words “segregation” or “integration,” instead relying on the more anodyne “diversity.” An analysis by the **Center for NYC Affairs** found that “achieving [the plan’s numeric goals] will require little or no systemic changes to the city’s schools. No heavy lifting will be needed to meet them.”

Now is the time for heavier lifting. The **New York Times’ to-do list** for incoming Chancellor Richard Carranza places action on segregation as #1. If he’s looking to answer the call, here are some steps he will take.

### Step 5.

#### **Reform high-school admissions policies.**

At the elementary school level, and in many middle-school districts, our schools are segregated because our communities are segregated. At the high-school level, there is no such excuse. DOE organizes the high-school admissions process through a broadly unified citywide assignment system. We assign all the students, to all the schools.

Nonetheless, **our high schools remain as segregated as our elementary schools**, with black and Latino students just as isolated in schools with dramatically higher rates of poverty. There are three key ways the DOE should reform NYC’s high-school admissions policies:



## DESEGREGATING OUR SCHOOLS

1) applying a controlled choice approach, citywide 2) increasing the number of “Educational Option” schools, and 3) reserving 50% of the seats at specialized high schools for top achievers from every NYC middle schools.

Applying a “controlled choice” approach across the NYC high-school application process would balance student choice with the goal of integration by weighting factors including income (free/reduced lunch eligibility), English Language Learners, homelessness, etc. At present, only 5 high-schools take a “diversity in admissions” approach. Every NYC high school—and especially every screened high school—should do so.

As recent work by **Teens Take Charge** shows, increasing achievement diversity is a great way of increasing socio-economic diversity. Increasing the number of “Educational Option” (or “ed opt”) schools, which admit students who have high, middle and low reading levels, has the potential to increase student diversity. In the context of NYC’s current high school admissions process, these schools often **struggle** to attract high performers, namely to competitive screened and specialized high schools. In combination with controlled-choice and reforms to specialized high schools’

admissions policies, these ed opt schools would have a fighting chance at filling their quotas for above-average students.

For the specialized high schools, the most achievable proposal is to offer half the slots to top achievers in every NYC middle schools (as proposed both by the **Community Service Society** and City Council Member **Keith Powers**). Those top achieving students are far more reflective of the diversity of NYC students than their current students. The other half of the slots would still be allocated based on test scores (either the SHSAT, or NYS tests), making room for those with strong potential who are not at the top of their middle-school class. For Stuyvesant, Bronx Science, and Brooklyn Tech, these changes would require a change in New York State law. For Brooklyn Latin, the High School for Math, Science and Engineering, the High School of American Studies, Queens High School for the Sciences and Staten Island Tech, we believe the NYC DOE could re-designate these schools as screened schools and implement the new approach on its own.





# DESEGREGATING OUR SCHOOLS

## Step 6.

**Adopt district-wide “controlled choice” approaches for middle schools in diverse but segregated community-school districts.**

The DOE’s “**Diversity in Admissions**” pilot, first announced in 2015 in response to a proposal from school principals, marked the DOE’s first concrete step toward reforming school admissions policies to proactively encourage integration. In a handful of majority-white elementary schools, students who qualified for free and reduced lunch, English language learners and students in the child welfare system were given a certain percentage of priority seats. This pilot, however, focused exclusively on individual schools rather than entire school districts, limiting its scope and impact.

This fall, in response to years of advocacy by parents in Community School Districts 1, 3, and 13 (especially Lisa Donlan and Naomi Pena for CEC1, the Parent Leadership Project/District 3 Equity in Education Task Force, and David Goldsmith of CEC13), the DOE announced the

**first district-wide** “Diversity in Admissions” pilot program in NYC for the elementary schools of District 1 in the Lower East Side and Chinatown. The plan (developed with DOE leadership from Deputy Chancellor Josh Wallack and District 1 Superintendent Daniella Phillips, and supported by Council Members Margaret Chin and Carlina Rivera) is a version of “**controlled choice**,” a policy originally implemented in **Cambridge, MA** and used around the country (often in response to civil rights lawsuits). Controlled choice adjusts admissions formulas to balance parents’ preferences with integration goals, so that each school in a district better matches the overall demographics of the district. The plan for **District 1**, including a “family resource center” to help make it work, is set to go into effect this fall.

The next stop for a district-wide plan in New York City is likely the middle schools of **District 15 in Brooklyn**, a **diverse but highly segregated** district. In response to advocacy from Council Members Brad Lander and Carlos Menchaca, the D15 Community Education Council (including former President Naila Rosario), and Parents for Middle School Equity, and with a strong



## DESEGREGATING OUR SCHOOLS

leadership role from DOE's Director of Community Affairs Sadye Campoamor, DOE hired the planning firm WXY to develop a community plan for more integrated middle-schools. When initial meetings of a potential steering committee met with pushback, WXY conducted additional outreach, developed a deeper process, and agreed to focus on what happens inside of schools in addition to the admissions process. The result, so far, is an inclusive planning process that has won praise from many stakeholders who are traditionally skeptical. The goal is to have a plan by the end of the year.

Controlled choice only works in geographies with a diverse student population, and where families have the opportunity to choose from among an array of schools. Sadly, many of NYC's community school districts (whose lines are set by State law) lack sufficient diversity. However, about 14 of the 32 districts are fairly diverse, though often internally segregated (Districts 1, 3, 13, 14, 15, 20, 21, 22, 24, 25, 27, 28, 30, 31) —exactly the right kind of geography to implement controlled choice. The DOE should look to shift the middle-school systems of these district (which generally already involve choice within the community school district) to controlled choice.

## Step 7.

### **Pilot new approaches to elementary schools.**

Elementary schools present the greatest challenge, since they are zoned geographically within a residentially segregated city—and many parents across races want the option to send their child to a neighborhood school. Nonetheless, Vox recently outlined in detail how districts can **draw school zones to make classrooms less segregated**. The DOE should commit to the following steps four steps to achieve more integrated elementary schools: 1) commit that all school rezoning (for new schools, or to alleviate overcrowding) will achieve greater levels of integration 2) in rezoning racially homogenous school districts, set-aside seats for students outside the school zone 3) pilot “school-pairing” and 4) ensure classrooms remain diverse within integrated schools.

In fiscal years 2016 and 2017, the New York City School Construction Authority **constructed a total of 54** new schools and additions.



## DESEGREGATING OUR SCHOOLS

Every time a new school opens, or lines are adjusted to address overcrowding, the DOE should take that opportunity to achieve greater levels of integration. The DOE has done this in several recent situations: at PS 130 in Kensington, PS 133 in Park Slope, PS 8/PS 307 in Brooklyn Heights/DUMBO/Vinegar Hill, and PS 191/PS 199/PS 452 on the Upper West Side (with strong advocacy from Council Member Helen Rosenthal on the UWS, and Council Members Levin, Cumbo, and Lander in Brooklyn). It should commit to do so every time. This analysis by **Vox's Elvin Chang** helps to point the way.

When school rezonings take place in racially and economically homogeneous neighborhood, the DOE should use that opportunity to increase the diversity of the district's student population, leaving a percentage of seats available for students outside the zone. This would allow for schools to engage in targeted recruitment efforts to achieve increased diversity.

**"School-pairing"** is a model that has worked well in **Madison, Wisconsin** and elsewhere. It was tried briefly in NYC in the 1960s, but eliminated rapidly (before any evidence of its

impact) in response to **backlash from white parents**. School pairing is a system in which two segregated schools are combined, with one use for lower grades (Pre-K to 2), one for upper grades (3 to 5). This model would work especially well across the lines of two segregated community school districts.

Finally, the DOE must ensure that diversity seen within a integrated elementary school is reflected at the classroom level. In some cases, elementary schools look diverse, but are segregated internally between Gifted & Talented, General Ed, and specialized program classrooms. DOE must ensure that diverse elementary schools are not segregated internally.

## Step 8.

**Insure equity and inclusion, through the "5Rs of real integration" (including culturally responsive education," equitable access to resources, restorative justice, and a diverse teaching staff).**

The work to integrate New York City's schools only begins with admitting a diverse student body.



## DESEGREGATING OUR SCHOOLS

As **Dr. King** stated in 1962:

*When the desegregation process is 100% complete, the human relations dilemma of our nation will still be monumental unless we launch now the parallel thrust of the integration process.... In the context of what our national community needs, desegregation is empty and shallow... Desegregation is eliminative and negative, for it simply removes these legal and social prohibitions. Integration is creative, and therefore more profound and far-reaching than desegregation.... Integration is the genuine intergroup, interpersonal doing... I may do well in a segregated society but I can never know what my total capacity is until I live in an integrated society.*

**IntegrateNYC**, the student wing of the school integration movement, provides a useful framework for having discussions beyond the desegregation efforts, called the “5Rs” of real integration (race & enrollment, resource allocation, relationships, restorative justice, and representation). The Coalition for Educational Justice (CEJ) **platform for culturally-responsive education** is closely aligned with those 5Rs to help close the achievement gap between students of color and white students, once schools are successfully desegregated.

Without such an approach, white school staff often have **lower expectations** for students of color, are **more likely to suspend students of color** than white students for the same behaviors (which is also supported by this more recent **deep dive** into the data), have **inadequate book options** by and about people of color, and want to **discuss race** in the classroom, but feel unprepared to do so.

CEJ presents a robust proposal for addressing these disparities, which includes: diversity in the teaching staff, an inclusive and representative curriculum, attention to school culture and equity in discipline, professional development, and support for parent engagement across lines of difference. The Council and de Blasio Administration should fully back this proposal and prioritize funding for training, parent engagement, curriculum development and diversity recruitment efforts in coming years.

The Council can also play a role in requiring transparency and accountability in addressing these





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disparities and closing achievement gaps. In recent years, the Council has required that the DOE provide reports on resource allocation of school counselors (**Intro 0403-2014**), and disparities in discipline (**Intro 0442-2010**). To address discrepancies in funding for after school athletics programs, the Council should consider Council Member Antonio Reynoso's **Intro 242-2018**, which would require the Department of Education to report on funding for athletic teams and facilities, cross-referenced to student demographics.



# DESEGREGATING OUR INFRASTRUCTURE

As with housing and education, public transportation and infrastructure policy has too often been tool for segregation. Throughout the 1930s, most of Robert Moses's public parks and playgrounds were built intentionally out-of-reach of black and Hispanic New Yorkers. His interstate highway projects demolished whole communities, clogging neighborhoods like Harlem and the Bronx with cars and traffic, while affluent white neighborhoods remained untouched.

New York City's "fair-share" process was intended to address disparities in the siting of infrastructure. Unfortunately, that process has not meaningfully improved how or where we decide to site our City facilities. Race and neighborhood continue to be the driving factors, rather than fairness and distributional equity. Waste transfer stations, for instance, remain highly concentrated in communities of color: **76 percent** of the total citywide permitted capacity for waste disposal is allocated to stations in just four community

districts—Brooklyn 1 (Williamsburg and Greenpoint), Bronx 1 (Mott Haven), Bronx 2 (Hunts Point), and Queens 12 (Jamaica)—that are (or were, at the time of the stations' sitings) overwhelmingly communities of color. These waste transfer stations expose communities of color to dirtier air, more truck traffic on residential streets, and more noise, all of which have a negative impact on community health.

Without meaningful reform, residential segregation and unfairness in the City's facility siting process will continue to reinforce one another in a system that overwhelmingly burdens communities of color. A recent **national study** suggests that all people who live in racially divided communities are exposed to higher levels of pollution, regardless of race. The **report** states that:

*"the correlations could arise from causal linkages in either or both directions: the ability to displace pollution onto minorities may lower the effective cost of pollution for*

## DESEGREGATING OUR INFRASTRUCTURE

*industrial firms; and higher average pollution burdens may induce whites to invest more political capital in efforts to influence firms' siting decisions. The analysis suggests that improvement in environmental justice could benefit not only minorities but also whites."*

Investing in transit equity should also be a major factor in desegregating New York City. For over a century, our subway system has threaded together New Yorkers of every race, ethnicity and background, one of the few place where we come together (and these days, experience frustrating delays together), and—more important—a strong force for opportunity across lines of difference. Access to affordable transit means access to jobs, education, health care and opportunity. Unfortunately, not all neighborhoods are provided with equal access to this critical transportation network.

Many of our "transit deserts" and underserved neighborhoods (especially those where many households are too poor to own cars) are located in low-income communities of color that suffer from decades of disinvestment.

This is increasingly true as gentrification pushes people further out toward the urban fringe.

RPA's 2017 report, "**Pushed Out**," shows that people with higher income are moving into more accessible neighborhoods, while those with low-incomes are pushed to low-access areas. Over the last 25 years, more than 35,000 low-income households have moved out of walkable, transit-dense, job-accessible neighborhoods. In less accessible communities, their numbers remained at steady levels. Meanwhile, accessible communities gained 132,790 high-income households. RPA analyzes "at-risk" neighborhoods, or those neighborhoods where households may be vulnerable to increasing housing costs and thus displacement. Of the 1.4 million vulnerable households living in such neighborhoods in New York City, 29 percent are very low-income (making less than \$25,000 per year), and 49 percent are already rent-burdened. Sixty-nine percent of those at-risk households are black and Hispanic. The concentration of communities of color in these neighborhoods is the result of redlining and housing discrimination;



## DESEGREGATING OUR INFRASTRUCTURE

now that they are desirable, New Yorkers of color are again the ones who suffer. So part of desegregating NYC must come through infrastructure investments that promote equity and access.

### Step 9.

**Fix NYC's broken "Fair Share" system to promote fairness in siting City facilities.**

Environmental racism, including unfairness in siting municipal facilities, is both a cause and result of segregation. As noted earlier in this report, unwanted land uses like waste-transfer stations are disproportionately sited in low-income communities of color, driving up asthma rates and making those neighborhoods less attractive to households who can afford to live elsewhere, resulting in lower property values, which leads to more unwanted uses. Meanwhile, significant investments in signature parks (like the High Line and Brooklyn Bridge Park) have been concentrated in whiter, wealthier communities, making those neighborhoods greener while driving up real estate values further.

As part of the 1989 Charter Revision Commission, New York City adopted a "Fair- Share" policy to promote equity in siting municipal facilities. The new policy aimed to require the City to plan its facility sitings in a thoughtful, deliberative manner that aims – at least in principle – to avoid the uneven distribution of these essential City facilities and services.

Unfortunately, the city's Fair Share policy is broken. As a 2017 New York City Council report shows, low-income neighborhoods and communities of color have persistently been treated unfairly in the siting of public facilities—both in the under-provision of necessary community services, and in the over-concentration of locally-unwanted land uses.

Fair Share Statements—which are supposed to explain why a siting is fair or to justify why an unfair siting is necessary—often never see the light of day. The City does not disclose enough data about the current distribution of facilities for the public debate to be well-informed; as a result, claims of





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unfairness can mask NIMBYism in neighborhoods that are not actually overburdened. The Citywide Statement of Needs, intended for proactive planning, has been rendered meaningless by lack of information. Most fundamentally, there is no consequence whatsoever for a City agency that sites its facilities in patently unfair ways. As a result, unfair sitings remain the path of least resistance (because the land is less expensive or because the community is perceived to be less powerful in organizing against the action).

The City Council proposed a comprehensive Fair Share reform package in 2017, as well as a standalone bill (**Intro 157-2018**, formerly Intro 495-2014, sponsored by Council Members Stephen Levin and Antonio Reynoso) to limit the volume of waste transfer stations in low-income communities of color. These reforms would increase transparency for siting City facilities, update the fair-share criteria, promote proactive planning, and limit truly unfair sitings in the most over-concentrated neighborhoods. Most of these reforms can be passed by the Council as local laws. Some would require amendment of the City Charter, and should be considered by the upcoming Charter Revision Commissions.

### Step 10.

**Turn around NYC's bus system to connect more New Yorkers to opportunity.**

Gaps in New York City's public transit system amplify the harms of segregation. As housing costs continue to rise and well-connected neighborhoods become unaffordable, more New Yorkers—predominantly low-income tenants of color—are pushed out to neighborhoods with no subway in sight. The closest subway stop in neighborhoods in the North Bronx, Eastern Queens, South Brooklyn and of course, all of Staten Island, are a long bus ride away. As noted, RPA's 2017 report, "**Pushed Out**," shows that people with high income are moving into more accessible neighborhoods, while those with low-incomes (who are less likely to be able to afford to own a car) are pushed to lower-access areas.



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Most of these low-access areas depend primarily on the City's bus system, which is arguably in an even worse crisis than our subways. Ridership is down dramatically, and speeds are the slowest in the country. This failure **affects low-income New Yorkers of color**. Bus riders are 75 percent people-of-color, versus 66 percent of subway riders and 67 percent of all New Yorkers. The median income for bus riders is \$28,455 vs. \$40,000 for subway riders.

Many bus riders live in outer-borough neighborhoods that are both segregated and disconnected from opportunity by poor transit—and the **new geography of employment** makes the problem even worse. The **Bus Turnaround Campaign** calls a comprehensive set of improvements (including better route planning, all-door board and off-board fare payment, dedicated bus lanes, and more) that would make for better, faster, more reliable bus service. NYC's Department of Transportation has **put forth a plan** to expand its bus rapid transit program, Select Bus Service (SBS), on 21 corridors over the next ten years. SBS includes

dedicated lanes, off-board payment, and prioritized signals that dramatically speed up the route. But the proposed 10-year time frame is far too slow. If we are serious about creating a more just and equal NYC, we should double the pace.



# OVERSIGHT AND ACCOUNTABILITY

Half a century has passed since we legally prohibited housing discrimination and school segregation, yet they remain firmly with us. For (at least) the next three years, the federal government will play no role in moving us forward; instead, the Trump Administration will encourage segregationist policies. If New York City is going to take serious steps in restoring Dr. King's dream and moving to desegregate our city, we need leadership, shared commitment, and mutual accountability.

Mayor de Blasio has, thus far, resisted making integration a strong feature of his work to combat inequality and make NYC “the fairest big city in America.” While his agencies are starting to take some steps forward, those efforts have been disconnected, and have not had visible support from City Hall. The mayor did not take part in the announcement of the DOE's school diversity plan or the first meeting of its School Diversity Advisory Group, or HPD's announcement of its “**Where We Live NYC**” initiative.

At this moment, there is both need and opportunity for the mayor to take stronger leadership, and for City Hall to coordinate agency efforts to combat segregation. The City's “Where We Live NYC” planning process presents an opportunity. The stakeholder engagement, planning and analysis, and recommendations can and should take a cross-sector approach, to address the complex ways that segregation is reinforced by housing, education and infrastructure policy in NYC. It should consider each of the recommendations in this report, and work closely with relevant stakeholders (like the School Diversity Advisory Group and the NYC Commission on Gender Equity). At the end of the process, City Hall (not just HPD) should adopt a comprehensive plan with measurable goals, and establish a clear mechanism for long-term accountability.



## OVERSIGHT AND ACCOUNTABILITY

### Step 11.

**Establish an Office of Integration to drive progress across agencies and systems.**

As noted throughout this report, segregation is a matter of housing, education, and infrastructure policy. However, there is currently no coordination among New York City's efforts to address it. When Fiorella La Guardia took the first steps to create what became the NYC Commission on Human Rights in 1944, he announced that the goal was "to make New York City a place where people of all races and religions may work and live side-by-side in harmony and have mutual respect for each other, and where democracy is a living reality." Sounds (almost) like an integrated city (it is worth noting that he did not propose that NYC's students learn side-by-side).

However, no City agency currently has the responsibility to coordinate efforts against segregation. To achieve the vision articulated by Mayor LaGuardia, and to address the fundamental threat that segregation

poses for the human rights of New Yorkers of color, it is time to do so. The City should establish the NYC Office of Integration, as proposed in **Intro 1378-2016**, introduced last session by Council Member Torres. The Office of Integration could be housed at the NYC Commission on Human Rights, the Mayor's Office of Operations, or at City Hall. The office should coordinate work across agencies (especially, but not only the Department of Education, HPD, NYCHA, City Planning, and DOT) to combat segregation: to better understand its causes, develop a comprehensive plan to address it, implement policies, track progress, and hold agencies accountable to shared goals.

### Step 12.

**Create a shared public dashboard on segregation in NYC, to hold agencies –and all us– accountable for progress.**

It has become a management mantra that "the things we measure are the things we improve." Or, as James Baldwin said: "Not everything that is





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can be changed, but nothing can be changed until it is faced.” We have managed for the past several decades to ignore the stark reality of segregation. If we want to change it, we will need far more concrete and visible tools to face it.

A shared public dashboard—with good design, and a little imagination—could help invest New Yorkers across races in that vision, and help hold us to it. It could make clear the patterns of segregation in our neighborhoods and our schools, encourages new ideas and collaboration, outline strategies, and track our progress (or lack thereof) to achieve them. PolicyLink’s **National Equity Atlas**, Cambridge Massachusetts’ **Interactive Equity & Inclusion Dashboard**, and the **Government Alliance on Race and Equity** offer models and resources. Well-presented maps and infographics can drive home the reality of segregation, and track efforts to do something about it.

On New York City’s dashboard, the DOE could improve on **the data** it is already required **by law** to make

available to the public on school demographics to track the City’s progress in meeting the school diversity goals set forth in the DOE’s 2017 plan. Overlaying school, housing, and infrastructure equity would open up opportunities for cross-sector collaboration. Seeing which neighborhoods are set for rezoning, with demographics of race and income, would help us make sure we are achieving equity and integration in our housing development efforts. A “fair-share” map is necessary for evaluating whether claims of over-concentration are well-founded. **Online tools** can help communities engage in the hard (and often offline) work of planning for integration.

The dashboard would be developed and maintained by the Office of Integration. It would reflect the data and track the work of many New York City agencies. But the larger goal would be to hold all of us accountable.



# CONCLUSION

The 12 steps we have outlined here are public policy steps. Public policy played a central role in establishing segregation, and it must play a central role in undoing it. But we know that segregation exists in a feedback loop between public policies and individual choices. As **Nikole Hannah Jones has explored in searing fashion**, within a system of segregated and unequal schools and neighborhoods, the choices we make about where to live and where to send our kids to school perpetuate privilege and poverty every day. If we want a more integrated city, we all have a role to play.

City policy is not the best tool for changing hearts and minds, and of course it cannot (and should not) dictate many of the choices people make. We are not naive: we know there will be both overt backlash and quiet resistance. Still, in addition to the moral and legal obligations to desegregate, we believe that public policy can help move our collective choices in the right direction. We can make the default options far more often ones that integrate rather than segregate.

As more New Yorkers are in integrated schools and neighborhoods, we believe the momentum will grow.

There are few things more hopeful than a public school graduation, in 5th-grade or 8th-grade or 12th grade or commencement, from an integrated public school. Amidst truly integrated pomp and circumstance, you can feel the full and bright promise of inclusive democracy. You can envision what it might look like to fulfill the dream of genuine equality. You can imagine a city and a country where our diversity is truly our strength.

These 12 steps won't get us all the way there. But they represent concrete and achievable progress toward Dr. King's vision of a city where people all people are created equal, and where their skin color does not determine the quality of the neighborhood, their school, and their life chances. One year into Trump's presidency, and 50 years after Dr. King's assassination, do we really have a choice?