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An Economic Fair Housing Act

Richard D. Kahlenberg

A century ago, the U.S. Supreme Court struck down racial zoning laws that prohibited Black people from buying homes in majority-white neighborhoods. About a half-century later, the Fair Housing Act of 1968 outlawed explicit racial discrimination in the sale and rental of housing units. These advances represent significant landmarks in the march for human dignity but in reality both left untouched economically discriminatory government zoning policies that exclude low-income and working-class Americans—including substantial numbers of people of color—from entire neighborhoods. As the nation prepares to celebrate the fiftieth anniversary of the 1968 Fair Housing Act next year, it is an opportune time to reflect on how housing policies can be updated to address two important new realities that have emerged in the past half-century.

Richard D. Kahlenberg, kahlenberg@tcf.org, is a Senior Fellow at The Century Foundation. He is the author of All Together Now: Creating Middle-Class Schools through Public School Choice (Brookings, 2001); and the editor of The Future of School Integration: Socioeconomic Diversity as an Education Reform Strategy (Century Foundation, 2012). He is now working on a book on housing segregation. This essay is adapted from a 2017 Century Foundation report, “An Economic Fair Housing Act.”

The first troubling reality is that existing tools to fight racial segregation in housing have been far less successful than have efforts to reduce discrimination in a number of other areas of American life. The major unfinished business of the civil rights movement, writes Richard Rothstein in his devastating new book, *The Color of Law*, is housing. Over the past fifty years, we have made considerable progress reducing discrimination in restaurants, hotels, transportation, voting, and employment, he writes, but progress on reducing residential racial segregation has been much more muted (Kahlenberg 2017a). To be sure, the Fair Housing Act did have a

positive effect on reducing racial segregation. The Black-white dissimilarity index (in which zero is perfect integration and 100 is absolute segregation), has shrunk from a high of 79 in 1970 to 59 in 2010, according to researchers John R. Logan and Brian J. Stults (Logan and Stults 2011). But, as William Julius Wilson of Harvard has documented, civil rights laws that reduced discrimination against middle- and upper-class African Americans who could afford to move out of ghettos left behind a truly disadvantaged group of African Americans who live in highly concentrated poverty.

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Stewards of Tolerance

John King

This fall, teachers and students all across the country are returning to school. But it's not the typical start of the school year. Amid the usual preparations of setting up their classrooms, planning lessons, and getting to know children and families, educators also are confronting the need to help students process the violence and hate that manifested on the streets of Charlottesville, Virginia before most schools opened their doors.

Students throughout the nation witnessed armed militiamen, neo-Nazis, and members of the KKK marching

through the streets of an American city, chanting anti-Semitic slogans, and lifting up racist sentiments. They witnessed domestic terrorism that resulted in people losing their lives.

They have heard—on television and the Internet, and through conversations with their families—about the Trump administration's ban on travel to the United States for citizens from predominantly Muslim countries. They have heard about the reversal of the Deferred Action for Childhood Arrivals (DACA) program, which protects

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The second reality—related to the first—is that skyrocketing levels of income segregation in housing are compounding racial segregation. As Harvard University’s Robert Putnam notes in his book, *Our Kids*, “while race-based segregation has been slowly declining,” we have seen the rise of “a kind of incipient class apartheid” (Putnam 2016). President Barack Obama, likewise, has noted, “what used to be racial segregation now mirrors itself in class segregation” (Boschma 2015).

This worsening housing segregation by class is extremely troubling, because it affects the lives of Americans in profound ways. Where people live affects so much else in their lives—access to transportation, employment opportunities, access to decent health care, and, perhaps most important, access to good schools. This last point is critically important, because in American society, education has long aspired to be “the great equalizer.” Research dating back five decades suggests one of the most powerful ways to improve the life chances of disadvantaged students is to give them the opportunity to attend high-quality schools that educate rich and poor students under a single roof. Denying all children access to these schools by allowing our educational system to tolerate separate and unequal learning environments is a threat to economic mobility, and the American Dream itself.

And so, for twenty years, The Century Foundation, in a series of books and reports (Potter 2016a), has outlined a number of ways to reduce economic segregation in our schools

through choice within the public school system (particularly magnet schools and diverse charter schools) and by redrawing neighborhood school boundaries (Kahlenberg 2016b). These policies, in one hundred traditional public schools and charter school organizations, educate 4.4 million students in thirty-two states, and are having a very positive effect on student achievement (Potter 2016b).

These public school choice and redistricting policies remain a critical tool for promoting school integration. But in a country where roughly three-quarters of students attend neighborhood schools—that is, are simply assigned to the school nearest their homes—public school choice is a limited device (National Center for Education Statistics 2016). Policymakers,

Because income and racial segregation are so commonplace, it is easy to consider them the natural state of affairs.

researchers, and advocates have long noted that it is important to pursue a parallel set of housing strategies that, if successful, could help integrate neighborhood schools. As scholar David Rusk has put it, “housing policy is school policy” (Rusk, 2007).

Where did this rising segregation by class come from? It stems in part from society’s growing income divide. The free market discriminates based on price and the ability to pay; not everyone can afford a \$200,000 house, much less one that costs \$500,000 or \$1 million, which is the way a capitalist system works. But layered on top

of these market forces is harmful government regulation that aids and abets segregation. Many localities have adopted exclusionary zoning ordinances—sometimes referred to as “snob zoning” rules—that forbid builders from developing apartment buildings or townhouses in certain areas, reserving them instead for detached, single-family homes. While this practice may seem harmless upon first consideration, some of these ordinances actually had racist origins and were designed to exclude low-income African Americans specifically. Other zoning laws go further, imposing minimum residential lot requirements. In extremely wealthy neighborhoods, with very large lot requirements, policies can effectively exclude virtually all families not in the top 1 percent by income and wealth. Critically, these policies that exclude families from neighborhoods by requiring minimum lot sizes—purportedly in the name of preserving some sort of aesthetic uniformity—also exclude children in those families from attending high-performing schools.

How important is public policy in driving economic segregation? It is a major player. “The physical segregation of the upper-middle class,” writes Richard Reeves in his book, *Dream Hoarders*, “is, for the most part, not the result of free workings of the housing market” (Reeves, 2017). In a stunning 2010 study Jonathan Rothwell of Brookings (who is now at Gallup), and Douglas Massey, a sociologist at Princeton, found that “a change in permitted zoning from the most restrictive to the least would close 50 percent of the observed gap between the most unequal metropolitan area and the least, in terms of neighborhood inequality” (Rothwell and Massey 2010). Nevertheless, economic zoning has grown considerably over time; Lee Anne Fennell of the University of Chicago Law School calls such ordinances “a central organizing feature in American metropolitan life” (Fennell 2002).

In this sense, class segregation, like racial segregation, is widely misunderstood.
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from deportation those youth who have been brought to this country as children. And they have heard rhetoric that targets people because of their religion, their race, and their families' country of origin, and they wonder if they are safe.

As school begins, many teachers will have tough conversations with their new classes about current events. Teachers will help young people to understand the historical context of our nation's struggles with racism, prejudice, xenophobia, and bigotry, as well as our continued, sometimes painful journey toward equality and opportunity for all. Teachers will ensure that students understand they are valued and loved—no matter their race, religion, sexual orientation, immigration status, or how much money their parents make. And teachers will help students to recognize the responsibility they have—as young people—to be knowledgeable and active citizens.

Teachers are critical in shaping who our students become and, in turn, what our nation represents.

In fact, I am convinced that the continued conflicts in this country with racism and intolerance would be profoundly reduced if our children regularly encountered and learned from teachers who embody America's growing diversity.

To be sure, the weight of solving America's societal ills cannot be placed entirely on the shoulders of educators. But, given the country's current climate and the urgency both to educate our children and ensure that they are prepared to reject harmful prejudice and hate, it's beyond time to take teacher diversity efforts seriously in our schools.

The unfortunate reality today, though, is that many students in our public elementary and secondary class-

rooms rarely—if ever—encounter a teacher of color.

A new survey shows that most teachers—about 80 percent of the country's nearly 4 million public school educators—are white. Just 9 percent of teachers are Latino, 7 percent are Black, and 2 percent are Asian (National Center for Education Statistics 2017).

The unfortunate reality today is that many students in our public elementary and secondary classrooms rarely—if ever—encounter a teacher of color.

This lack of diversity in our nation's educator workforce is striking, by comparison, when we look at our youth. Today, our public school population is made up of a majority of students of color, with the percentage of white students projected to decline over the next decade. What's more, an overall trend toward greater diversity throughout America is predicted to continue. According to some estimates, by the year 2055, no racial or ethnic group will constitute a majority in this country (Pew Research Center 2016).

We need a teaching force that is as diverse as our students.

Excellent teachers come from all backgrounds, yet there also is substantial evidence that exposure for students of color to teachers who share their background and experiences can have a profound effect.

Teachers of color, for example, often have higher expectations for students of color, are more likely to use culturally relevant practices to connect with and teach diverse students, and have a greater tendency to confront racism in their lessons. A recent study also shows that Black students from low-income families are more likely to graduate from high school and consider enrolling in college if they are taught by just one Black teacher in elementary school. (Johns Hopkins University 2017). And research shows that Black students are less likely to be suspended or expelled by Black teachers and more likely to be identified for gifted programs by educators of their same race (Blad 2016), Nicholson-Crotty et al. 2016).

But it's not just students of color who experience positive effects by being taught by diverse educators. We know that *all* students benefit when they learn from adults with a variety of backgrounds, perspectives, and experiences (Anderson, 2015). For white students, it is important to see people of color in leadership positions and as mentors and role models in their classrooms and communities.

And for all students, exposure to diversity can help to reduce bias and increase empathy. These positive results occur when children learn in classrooms alongside peers who have different backgrounds, who come from families along varying degrees of the socioeconomic spectrum, who practice different faiths, who are immigrants, and who represent the many other

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John King, John.King@edtrust.org, @JohnBKing on Twitter, is the president and CEO of The Education Trust, and served as the U.S. Secretary of Education from 2016 to 2017.

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characteristics of our diverse American tapestry.

To be sure, in our multicultural society and global economy, we do our students a major disservice if their first encounter with a person of a different race or ethnic background isn't until they reach college or the workforce. Unless we act, as a country, the mismatch between the diversity of our students and our teaching force only will continue to grow.

In fact, a 2016 report found that—without major changes to our nation's educator pipeline—teacher diversity gaps likely will not close through at least the next half century (Putnam et al. 2016).

To address this pressing issue, we need action at every level—from public schools and institutions of higher education, to policymakers and administrators, to advocates and whole communities.

Encouraging a wider array of young people to consider teaching as a career is a start.

But funneling more students into education majors won't address teacher diversity gaps unless our K-12 public schools do a better job of preparing all students for the rigors of college, and institutions of higher education do even more to support students through to graduation.

A seminal report from the U.S.

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Department of Education under the Obama administration revealed large completion rate gaps for college students majoring in education. The gap between white and Black students was approximately 30 percentage points (73 percent versus 42 percent) and the gap between white and Hispanic students was more than 20 percentage points (73 percent versus 49 percent) (U.S. Department of Education, 2016).

Many Black teachers reported they felt limited to only teaching Black students.

And while state and local policymakers can make it a priority to recruit diverse teacher candidates, create more innovative pathways into teaching, and examine whether their teacher licensure policies or teacher pay rates produce unintended barriers for people from underrepresented groups, research shows that attracting teachers of color may not be the big-

gest challenge (Bond et al. 2015).

In fact, more teachers of color are being hired now than in years past, but these educators also are leaving the profession more frequently than their White counterparts early in their careers. It is critical to ensure that once teachers of color are hired, they stay in the classroom.

Part of doing that work thoughtfully entails listening to the experiences and perspectives of people of color who are currently teaching.

The Education Trust's efforts are instructive here. Our recent qualitative study, *Through Our Eyes*, reveals that many Black educators feel their voices are not heard and their development is stifled by systemic biases and school cultures that do not recognize their expertise. A companion report, to be issued this fall, will examine the perspectives of Latino teachers (The Education Trust, 2016).

Through Our Eyes showed that instead of being offered opportunities to teach diverse students and college-level courses or take on leadership roles within their schools, many Black teachers reported that they felt limited to teaching only Black students and that they were expected to act as the school's disciplinarians.

And while Black teachers relished the opportunity to use their cultural capital to connect with children of color, these educators expressed frustration at being pigeon-holed.

Not surprisingly, this "invisible tax" and diminished opportunities for professional growth can lead teachers of color to experience burnout and decreased job satisfaction—which can cause these educators to leave teaching (King 2016).

Advocates and communities can

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A Reply to Kahlenberg

Sheryll Cashin

Richard Kahlenberg is correct in asserting that the unfinished business of the civil rights movement is housing. His call for an Economic Fair Housing Act is useful and important. In selling this idea, however, he may create a misleading impression. Economic segregation is growing, with awful consequences for anyone who cannot afford to buy or lease a home in a high opportunity neighborhood. But levels of Black-white segregation remain very high.

Nationally, about sixty percent of all Black people would have to move in order to be evenly distributed among whites in this country. Only about 30 percent of Black and Latino families reside in middle class neighborhoods where less than half of the people are poor. Meanwhile, more than 60 percent of white and Asian families live in environs where most of their neighbors are not poor. The majority of whites and Asians live in neighborhoods with a poverty rate below 14 percent.

Race, then, plays an outsize role in housing markets. Expectation of racial comfort, of white dominance, may explain why most whites still state preferences for majority white neighborhoods. In 2001, the threshold at which whites would likely avoid purchasing a home in a neighborhood was 15% Blackness. Hopefully in 2017 whites' capacity for neighborhood exposure to Black people has risen. But whatever the threshold for avoidance is today, it is important to consider the reasons for such avoidance. Black people remain the group all non-Blacks are least interested in integrating with. Why? Allow me to speculate.

Social psychologists have docu-

Sheryll Cashin, cashins@law.georgetown.edu, is Professor of Law at Georgetown University, and the author of Loving: Interracial Intimacy and the Threat to White Supremacy (Beacon 2017).

mented implicit associations of blackness with criminality. While the stereotype of the Black male sexual predator helped justify the old Jim Crow, I believe a modern stereotype of the “ghetto” dweller or “ghetto thug” is part of the spoken and unspoken subtext of fair housing debates. There is a spatial dimension to anti-black stereotyping that goes beyond class. Residents of hyper-segregated neighborhoods are more likely than other groups to be Black. Hyper-segregation facilitates a unique form of othering. To be “ghetto” has a widespread negative connotation in America, one that many if not most people of all colors disassociate from.

Demographers use a threshold of 40% poverty to define concentrated poverty and the number of these census tracts has risen from about 2,500 in the year 2000 to 4,400 census tracts in 2009-2013. Not all of the most distressed, concentrated poverty census tracts are predominantly Black though much of them are. Such places, small in number, loom large in the American psyche and in American race relations. There are codes of the street, participated in by a small subset of Black urban residents, glorified in gangsta' rap, propagated in near-constant news stories about urban crime, that may explain widespread fear of Black males. And sometimes middle- and upper-class Black people are participating in the othering. Even in Washington, D.C., where Democrats outnumber Republicans by about 12-1, and where African-Americans for many years controlled government, political leaders pursued punitive laws that fueled mass incarceration and filled DC prisons with young Black men. The same Black political leadership was also slow to adopt an inclusionary zoning ordinance and pursued policies that displaced many poor residents from the city.

Concentrated poverty, particularly of the Black kind, contributes to the

flight of others with choices to perceived higher ground. Families with children are especially motivated to avoid high poverty schools or neighborhoods. Elsewhere I have described the intentional public policies that created concentrated Black poverty.¹ Had governments not intentionally created Black ghettos, I suspect we would be much further along in the project of dismantling Jim Crow. Policies and preferences of avoidance might be less common and individuals and institutions less risk averse, more willing to try to enter or invite robust diversity. Above all, poor Black people might be more apt to be seen as three-dimensional human beings, worthy of the moniker “citizen.”

I appreciate Kahlenberg's project, acknowledge that many whites and non-black people of color suffer the consequences of geographic isolation, and heartily support amending the Fair Housing Act to ban exclusionary zoning and economic discrimination. I also believe that his proposal sidesteps what truly ails us in housing markets and as a nation. I, too, once hoped that a coalition of struggling people of all colors might force elites to support policies that create more opportunity for everyone. But the success of candidate and President Trump's divide-and-conquer politics has tempered my hope for a unifying class populism among the mutually locked out. I believe all proposals for a more just and inclusive society would benefit from the disinfectant of light shown on the virulent, ugly racism that undergirds the structures of exclusion. I do have faith that a coalition of culturally dexterous allies—those that see and name racism—may yet rise to lance the boil of supremacy in this country, and wipe away the stench. □

¹ Sheryll Cashin. 2004. *The Failures of Integration: How Race and Class are Undermining the American Dream*. Public Affairs. Chapter 7.

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help to address this situation by encouraging their schools to provide targeted professional supports to teachers of color, offer training to all educators on cultural competency and culturally affirming curricula, and create and maintain schoolwide cultures that value efforts to expand diversity.

One way in which communities across the country—from Denver to Kansas City to Boston to Portland, Maine—are taking action to increase the number of teachers of color in their schools is by cultivating their own pool of “homegrown” educators. Districts implementing these “grow-your-own” initiatives advise students from underrepresented groups as early as in middle school about careers in teaching. They also develop young people’s leadership skills, guide them toward higher education, and encourage them to return home to teach as adults.

In Philadelphia, school principal Sharif El-Mekki founded The Fellowship, which seeks to inspire more men of color in the city—and even nationally—to enter into the teaching profession as a means of increasing social justice (Thomas, 2016).

And just this year, 11 states—with the help of the Council of Chief State School Officers (CCSSO)—took a significant step toward increasing educator diversity. These states are committing to work toward parity between their students of color and their teachers of color. CCSSO, a national nonprofit organization of officials who head state systems of public schools, will provide technical assistance and a forum for states to share best practices.

This is a vital effort that all states can choose to take on as they implement our nation’s new education law, the *Every Student Succeeds Act*. To advance this work, Congress also has a responsibility to fund Title II, part of the law that can be used to support teacher recruitment efforts that expand students’ equitable access to effective and diverse educators.

As the new school year gets underway, all of us can be champions for equity and diversity.

Doing so will require that we acknowledge the ways in which our schools reflect America’s complex history and continued challenges around race. Doing so will require that we do more than just simply reject the most virulent expressions of intolerance and hate, such as those that we saw dis-

played in Charlottesville. Doing so also will require us to act. We can begin with a focus on our children’s teachers. And together, all of us can ensure our children receive an excellent education that equips them to help build the most inclusive, diverse, and tolerant America in history. □

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Mass Incarceration and Child Trauma

Mary Kelly Persyn

Attorney General Jefferson Beauregard Sessions is rapidly deconstructing the bipartisan federal criminal justice reform movement that flourished during the Obama years. Criminal justice reform has also been one of the few areas of bipartisan agreement in recent years, gaining a foothold even in “tough on crime” Texas. In the face of over thirty states proceeding with reforms to reduce sentences and jail populations, Sessions has declared his support for imprisoning more people and has ordered his attorneys to press courts for the highest criminal sentences (Oppel 2017). Supporting states’ efforts to continue reform is critically important. The pressing need to reduce the number of children suffering parental incarceration is a leading reason why.

Consider the skyrocketing numbers. America now incarcerates 700 in every 100,000 people—a rate that is the highest in the world (Morsy 2017). In the 1970s, the number was 170. *For African-American men, the number is 1,700 per 100,000* (Morsy 2017). The American penchant for incarceration piles a heavy burden on our most vulnerable children. At least five million American children have had at least one parent incarcerated (Murphey and Cooper 2015). Since 2007, the number of incarcerated people in the United States has increased considerably. In 2007, 1.4 million people were incarcerated; currently, that number is 2.2 million, an increase of over 50%. By that measure, about 2.5 million American children have a parent currently behind bars.

Pew Research findings estimate that 2.7 million American children have a parent who is currently incarcerated (Western and Pettit 2010). African American, poor, and rural children are

at the highest risk (Murphey and Cooper 2015). African-American children face twice the risk of experiencing parental incarceration (1 in 9 children, compared with 1 in 17) (Murphey and Cooper 2015). By the time they are 14, twenty-five percent of African American children have experienced parental incarceration—but only four percent of white children have. “Of imprisoned fathers of African American children, only one-third are in prison because of a violent crime. Another third have been convicted of drug offenses. The remainder have committed property crimes or technical violations, such as failure to show up for a

Criminal justice reform is not optional when two-thirds of incarcerated parents are serving time for a non-violent crime.

court date or probation officer appointment; failure to meet other conditions of release, like steady employment; or failure (usually from inability) to pay traffic or similar fines” (Morsy and Rothstein 2016). For African-American children born between 1994 and 1999, the number is nearly 1 in 7, or 13.6 percent. The number may understate the issue, because it doesn’t consider nonresidential parents (Murphy and Cooper 2015). In the long run, these children often suffer hardships including food insecurity, financial insecurity, and trouble with school. They have a higher risk of homelessness—especially if they are African-American children (Carter and McCarthy 2015).

In many ways, these children “do time” with their incarcerated parents, suffering the pain of separation and, often, deprivation while they wait. Upon release, their parents face steep odds against employment, and often

are re-incarcerated for their failure to meet work requirements associated with probation, fueling a cycle of deprivation for their children (Morsy 2017). Though entirely innocent, the children of the incarcerated too often face a system that takes little account of their existence. Moving through awareness to action on behalf of these vulnerable Americans is critically important in our era of mass incarceration. Criminal justice reform is not optional where two-thirds of incarcerated parents are serving time for a non-violent crime and one percent of all American children have a parent currently incarcerated for a drug crime (Western and Pettit, 2010).

Given the urgency of the need and the glacial pace of criminal justice reform, we must better support the children of incarcerated parents now. Raising public awareness of the hardships faced by these children is the first step. Trauma-informed care must become the rule in school and other child-serving settings. We must make it easier for families to maintain strong ties while parents are incarcerated, and provide far better support upon release so parents can return to work and active involvement in their children’s lives.

Impact of Incarcerated Parent on Children

When a child loses a parent to incarceration, the impact is uniquely damaging. To the burden of absence, add economic and food instability; stigma, stereotyping, and shame; difficulty in communicating with and visiting the absent parent; and loss of home and community for those children who must move after the incarceration. The impact of parental incarceration can damage physical, mental, and emotional health and well-being and reduce financial, academic, and professional prospects for millions

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Mary Kelly Persyn, mkpersyn@hannacenter.org, is director of the Hanna Institute.

of children.

Studies show that children of parents who have been incarcerated are at a higher risk for many negative outcomes, including emotional and mental health problems and delayed academic progress. Associated health problems can extend into adulthood (Murphey and Cooper 2015). When demographic variables are held constant, the negative impact on children of the current or former incarceration of a parent remains significant (Murphey and Cooper 2015). For example, one study found that “23 percent of children with a father who has served time in a jail or prison have been expelled or suspended from school, compared with just 4 percent of children whose fathers have not been incarcerated” (Western and Pettit 2015).

Emotional and developmental damage can run deep in the children of incarcerated parents. Separation is always traumatic, and the uncertainty that follows can chip away at a child’s sense of security and safety. Children can suffer from conflicted loyalty to their parents if they have witnessed criminal activity in their homes. Further, children often suffer stigma and the judgment of their peers when a parent is incarcerated (Wright and Seymour 2015).

The complex and far-reaching impact of parental incarceration is unique among “adverse childhood experiences” (ACEs). A 1998 study by Kaiser Permanente and the Centers for Disease Control identified ten categories of childhood experience that are significantly linked to negative outcomes later in life, among them emotional, physical, and sexual abuse; emotional and physical neglect; mother treated violently; household substance abuse; household mental illness; parental separation or divorce; and incarcerated household member (American Academy of Pediatrics 2016). Children who witness the arrest of a parent, a significantly traumatic experience, are particularly affected by anxiety and stress. Parental

incarceration is “distinguished from other ACEs by the unique combination of trauma, shame, and stigma. Parental incarceration increases the risk of a child living in poverty or experiencing household instability, independent of any other factors present in that child’s life” (YouthGov). The ACE of incarceration, in other words, is often uniquely impactful.

Compounding these risks, incarceration very rarely occurs in the absence of other significant risk factors and adversities (Wright and Seymour 2015). Though some children may have enjoyed a fairly stable and nurturing preincarceration family life, most will have experienced considerable instability and possibly maltreatment, with the problems related to in-

We need to raise the general public’s awareness of the issues faced by children of incarcerated people.

carceration superimposed upon existing difficulties. These risks include such other traumas and ACEs as poverty, alcohol and drugs, crime, domestic violence, child maltreatment, previous separations, a parent’s history of abuse, and enduring trauma including separation from the parent entailed by incarceration (Wright and Seymour 2015). If the trauma is too severe, emotional coping and survival edges out mastery of a range of tasks necessary to healthy development (Wright and Seymour 2015). School performance can suffer severely; a recent report finds that mass incarceration is “an independent cause of the gap in cognitive and non-cognitive outcomes between black and white students” (Morsy and Rothstein 2016).

How Can We Help Children Who Have Suffered Parental Incarceration?

The most important way to help children of incarcerated parents is to

incarcerate fewer parents. Criminal justice reform must continue.

That said, we have a responsibility to children whose parents are already behind bars. The research on tools to help the children of incarcerated parents is limited, but experts have provided extensive advice. Better public awareness of these issues can help focus attention on, and promote protection of, these vulnerable children. Schools and other caretakers can help to reduce the stigmatizing effects of having an incarcerated parent. Prisons, social workers, and family members can improve communications between the child and incarcerated parent and work to make visits more child-friendly (Murphey and Cooper 2015). Better support for the formerly incarcerated upon re-entry can reduce the risk of economic and food insecurity and homelessness for their children.

Raise awareness. The renewed national conversation on our criminal justice system—highlighting the 2.2 million people held behind bars in our country—almost never considers the children of incarcerated people. Culturally, our strong emphasis on individual responsibility and “paying one’s debt to society” tends to result in placing responsibility for the care of these children squarely on the shoulders of their parents. But as we know from research demonstrating the multiple vulnerabilities of these children and their families, more support is needed to help them survive parental incarceration and thrive despite it.

Before we can have that conversation, though, we need to raise the general public’s awareness of the issues faced by children of incarcerated people. San Francisco Children of Incarcerated Parents Partnership (SFCIPP) has created an eight-point Bill of Rights for these children that sets out many of their important but little-known needs. These include the right to be kept safe and informed at the time of the parent’s arrest, the right to be heard and considered when relevant decisions are made, the right to be well cared for in the parent’s absence, the right to speak with, see, and

touch the parent (Poehlmann et al. 2010), the right to support, the right not to be judged, blamed, or labeled, and the right to a lifelong relationship with the parent (San Francisco Children of Incarcerated Parents). Posting and discussing these rights in child-serving agencies can help raise awareness and move toward action.

Provide trauma-informed care. The arrest and incarceration of a parent often causes severe anxiety and distress in children. Providing care that is informed by and responsive to the realities of trauma and its aftermath is crucially important to children suffering parental incarceration.

Witnessing the arrest of a parent is a key example of traumatic experience, and it can cause severe anxiety and distress in a child in the short- and long-term. Law enforcement officers must be trained to look for the signs of children in a home and to ask adults whether they are responsible for children and whether there are children present during the detention and arrest process. Training in care specifically responsive to this form of trauma is available to help law enforcement officers understand the age-appropriate factors to consider when arresting a parent (Bureau of Justice Assistance and International Association of Chiefs of Police).

Teachers and others who work with children are critically important to a child's ability to withstand parental incarceration and thrive despite it. Schools must educate teachers about the difficulties faced by children of incarcerated parents. Expert training and advice is available to support teachers' work with these children to buffer the risk of weaker academic performance (Trauma and Learning Policy Institute).

Make it easier to maintain family ties during incarceration. Less restrictive visitation rules that allow contact between parent and child can help. Incarcerating people geographically closer to their family members makes visits more possible. Curbing the cost of phone and video calls to prisons lessens the economic burden

of communications on families (San Francisco Children of Incarcerated Parents Partnership).

Help families find pathways to employment after incarceration. A criminal record is a significant barrier to employment, which makes life that much harder for children of formerly incarcerated parents. Policies such as automatic sealing of low-level, non-violent records after proof of rehabilitation can help immensely. The "ban

The crisis of mass incarceration has been devastating to Americans, and especially African Americans.

the box" policy established by the Office of Personnel Management under President Obama has helped many to gainful employment (Vallas et al. 2015).

Fight for criminal justice reform. Our prison and jail populations have exploded in recent years. Harsh sentencing for non-violent offenses is one

significant cause. Many inmates are parents, and incarceration severely impacts their children, especially in school performance. Further, discriminatory and disproportionate incarceration of African American parents is an important cause of the racial achievement gap (Morsy and Rothstein 2016). Among the many reasons to fight for change, the children of incarcerated parents are among the most important.

Real Life Example: SFUSD Program to Help Kids of Incarcerated Parents

In recognition of the heavy toll taken on already-vulnerable children by parental incarceration, the San Francisco Unified School District has begun an initiative to provide them with extra support and services, including teacher training (San Francisco Unified School Districts 2016). The resolution was necessary because as of 2010, about 18,000 San Francisco children had parents currently or for-

(Please turn to page 10)

PRRAC Update

- **PRRAC has moved!** We are grateful to our friends at the **Center on Law and Social Policy (CLASP)**, with whom we shared office space for the better part of ten years (along with the DC office of PolicyLink for the last five). Alas, CLASP has grown too big to keep us, so we have found new offices – in a large shared suite with other social justice oriented nonprofits, near the White House in a building owned by the **National Community Reinvestment Coalition**. Our new address is **740 15th St. NW #300, Washington, DC 20005**.
- **New PRRAC staff:** We are pleased to welcome **Peter Kye**, PRRAC's 2017-18 Law and Policy Fellow. Peter was most recently at the Fair Housing and Community Development group at the Lawyers' Committee for Civil Rights Under Law, and is a 2016 graduate of the University of Virginia Law School.
- We also welcome this month our fall Law and Policy Intern, **Roselie Brutus**, a 3rd year student at GW Law School, and Communications Intern **Sarah DeArruda**, a junior at Colby-Sawyer College.

(*INCARCERATION: Cont. from page 9*)

merly incarcerated at the county or state level. In addition to the training, SFUSD plans to add questions about the needs of children who suffer parental incarceration to its Youth Behavior Risk Survey.

Liberal reputation aside, San Francisco is a poster child for the increased risk of parental incarceration that African-American children face. African-American people make up just six percent of the city's population but a stunning 53 percent of its incarcerated population. Layered with other adverse experiences that African-American children are more likely to face, this rate of parental incarceration should sound an alarm bell that keeps SFUSD on its current course.

Conclusion

The crisis of mass incarceration has been devastating to Americans, and especially to African Americans. "Tough on crime" policies that have increased the length of sentences and harshly punished non-violent and drug offenses have ballooned our prison population. Millions of children have been the overlooked, but heavily impacted, victims.

Our first priority must be to continue pushing for an end to unjust criminal laws. The campaign continues in a majority of our states, where the majority of prisoners are housed, and it deserves strong support.

But in the meantime, agencies that interact with children—and that includes nearly all of them—can do a great deal to buffer the trauma of parental incarceration and build resilience in these vulnerable children. We must advocate for greater awareness of trauma related to incarceration among law enforcement officers, teachers and counselors, social workers, pediatricians, judges, and lawyers. Helping these children not only reduces their suffering now. It improves their health, well being, and self-sufficiency for the long term, improving

their quality of life and reducing the chances of passing trauma on to the next generation. Trauma-informed

care should be the rule for every agency that touches the children of incarcerated parents. □

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(FAIR HOUSING ACT: Cont. from p. 2)

stood. Because income and racial segregation are so commonplace, it is easy to consider them the natural state of affairs. It is tempting to believe that segregation by income and race simply reflects a certain reality—that people move into neighborhoods where they “fit in,” or where they can afford to live. In fact, segregation is not the result of purely of individual choices or of marketplace forces, but rather of conscious policy decisions made over many decades. Both racial and income segregation are the result of social engineering on the part of federal, state and local actors. Beginning in the early twentieth century, policymakers and individual citizens pursued a number of policies and practices to segregate housing by race and income, including: explicit zoning by race, which was replaced by exclusionary zoning by income; racially restrictive covenants in housing deeds; redlining in mortgage insurance; and police inaction in the face of white mob violence against Black families.

America’s worst practices did not go unnoticed, however. Judicial decisions in combination with the Fair Housing Act of 1968 have now made explicitly racial discriminatory actions illegal. But class discrimination in the form of exclusionary zoning laws is not explicitly based on race, and so it remains basically lawful in virtually all states—even if it results in outland-

ish racial and economic segregation. Technically, exclusionary zoning that has a negative disparate impact on racial and ethnic minorities can be challenged under the Fair Housing Act. But as Stacy Seicshnaydre of Tulane Law School has documented, in the 2000s, plaintiffs prevailed on appeal in such cases just 8.3% of the time (Seicshnaydre 2013).

To complete the unfinished business of the civil rights movement—and to address rising segregation by income—we need a new set of policies to update the 1968 act. Such a new Economic Fair Housing Act would help the vast majority of Americans—of all races—who are excluded from resource-rich neighborhoods not merely

Ending exclusionary zoning—which essentially discriminates based on income—affects people of all races.

by market forces, but also by government regulation. This new Fair Housing Act would curtail government zoning policies that discriminate based on economic status. In its strongest form, it would entirely ban unnecessary exclusionary zoning at the local level. In the alternative, it could impose a penalty on municipalities that insist on maintaining discriminatory zoning,

either by withholding infrastructure funds or limiting the tax deduction that homeowners can take for mortgage interest. Inclusionary zoning laws, which affirmatively require developers to set aside housing units for low-income families, should also be adopted in more jurisdictions.

In the current political climate, federal action is unlikely in the near term on this issue, and so progressive policies are most likely to be adopted at the state level. Certain jurisdictions, such as Massachusetts, New Jersey, and California, have led the way in fighting exclusionary zoning by promoting affirmative steps to foster inclusion. Additional progress at the state level would have a meaningful impact for millions of Americans, and also could provide an important model for federal action at some time in the future.

There are already some signs that a set of unlikely bed fellows could challenge exclusionary zoning. On the left, supporters of an Economic Fair Housing Act could include civil rights activists, who know the racist origins of exclusionary zoning; affordable housing advocates, who know that by creating artificial scarcity, economic zoning drives up housing prices; and environmentalists, who know that reducing housing density leads to sprawl, longer commutes, and increased pollution. On the right, libertarians have been leading opponents of exclusionary zoning, which they view as a prime example of unwarranted government regulation. And developers naturally resist zoning restrictions that drive down profits by reducing the ability to build denser housing.

In certain states, the moment seems ripe for reform. The affordable housing crisis in places such as California could be a powerful trigger for reform. As a rule, dense housing is more affordable than single-family homes. Because density provides more units per acre, land costs are cheaper for the developer; dense units (such as apartments) have fewer exterior walls, which keeps construction costs lower; compact developments reduce infra-

(Please turn to page 12)

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structure costs for trunk lines and treatment facilities; and dense housing increases overall supply relative to demand, resulting in lower prices for consumers. As writer Brent Toderian notes, “Not all dense housing is affordable, but all affordable housing is dense” (Kahlenberg 2017c).

Even in jurisdictions where the affordability of housing is a less salient issue, we are generally seeing strong populist anger directed at elites on whose behalf the deck is stacked. Few rules are more rigged than those in which government dictates that housing must take a certain configuration or size in order to exclude people of modest means. Of course, populism has taken a very dark turn at the presidential level, but in states, righteous anger about artificial walls that have been built by government could generate progressive, multiracial coalitions for change.

Ending exclusionary zoning—which essentially discriminates based on income—affects people of all races. Curtailing these programs would be the classic tradition of anti-discrimination laws and at the same time would represent a dramatic effort to upend a longstanding and unjust system. Fifty years after passage of the Fair Housing Act, it is time to end state-sponsored economic segregation that is dividing the nation and severely impeding opportunity for millions of Americans. □

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