



Colorado Advisory Committee to the U.S. Commission on Civil Rights

Examining the Racial Impact of Public School Attendance Zones in Colorado

The Colorado Advisory Committee to the U.S. Commission on Civil Rights (Committee) examined public school zones with an emphasis on 20 U.S.C. §1703(c), a provision in the federal Equal Educational Opportunities Act that an individual has the right to public school choice; and a reliable legal basis for taking segregative/integrative effects into account when drawing attendance boundaries and setting school-assignment policies.¹ The Committee found: (A) attendance zones contribute to unequal access to educational opportunity; (B) attendance zones contribute as well to racialized perceptions of school quality; (C) despite the disparate impacts, neighborhood schools can be an appropriate policy goal; and (D) school choice can be a powerful but incomplete remedy of quality.

How do attendance zones contribute to educational inequities?

Attendance zones contribute to educational inequities by reinforcing geographic disparities in access to high-quality schools. Witnesses testified that families in high-income areas are significantly more likely to have access to top schools compared to families in low-income areas. Research from Ready Colorado found that only 6% of low-income areas have access to quality elementary schools, compared to 24% of high-income areas. At the middle and high school levels, the disparities are even more pronounced, with a majority of low- and middle-income communities lacking meaningful access to quality schools.

The current model of automatic school assignment based on residential location exacerbates these disparities by linking school access to housing costs. This dynamic effectively excludes lower-income families from top-performing schools and perpetuates socioeconomic and racial segregation. As witness Tim DeRoche and Dr. Tomás Monarrez's research indicate, nearly half of Colorado school districts use attendance boundaries that maintain or increase segregation, while only a quarter significantly reduce it.

Key Points:

- Only 6% of low-income areas have access to quality elementary schools, compared to 24% of high-income areas. At the middle and high school levels, the disparities are even more pronounced, with a majority of low- and middle-income communities lacking meaningful access to quality schools
- Attendance zones generally replicate patterns of segregation.
- Controlled choice policies can help distribute students more equitably, but transportation is a critical factor.

In what ways do attendance zones reinforce racialized perceptions of school quality?

Attendance zones reinforce racialized perceptions of school quality by maintaining patterns of residential segregation, which in turn shape public perceptions about the desirability of schools. Witnesses testified that the distinction between "de jure" (legal) and "de facto" (social) segregation is politically constructed, masking the historical policies—such as redlining and racially restrictive housing covenants—that created segregated neighborhoods and, by extension, segregated schools.

This segregation fuels a widespread belief that schools serving predominantly white and affluent students are inherently better than those serving predominantly students of color or low-income families. Vernon Jones of FaithBridge highlighted that families often associate quality education with proximity to wealth and privilege, while schools with higher numbers of students of color or low-income students are perceived as lower quality. These perceptions drive enrollment decisions, leading to under-enrollment and disinvestment in schools that serve historically marginalized communities. Dr. Antwan Jefferson at the University of Colorado further emphasized that standard school rating systems contribute to these racialized perceptions by emphasizing test scores, which correlate with income rather than reflecting the qualities valued by families, such as teacher-student relationships and educational support structures.

¹ Full and complete citations can be found in the report.

How can school attendance zones balance neighborhood schools with racial and socioeconomic integration?

Attendance zones should be designed to balance neighborhood schools' benefits—such as community investment and resource stability—with the goal of racial and socioeconomic integration. Witnesses emphasized that while neighborhood schools foster stronger local engagement and student support, they often mirror residential segregation patterns, reinforcing educational disparities. To counteract this, school districts should implement policies that ensure attendance zones are regularly reassessed, considering demographic shifts and equity concerns. Redrawing school boundaries every few years can help prevent segregation from becoming entrenched while still allowing students to maintain a sense of stability in their educational environment.

Additionally, controlled choice policies, where families rank preferred schools within a broader district framework, can help distribute students more equitably. This approach, combined with targeted outreach and transparent decision-making, ensures that school assignments do not disproportionately benefit certain populations while disadvantaging others. Community involvement in zoning decisions is also essential, as it builds trust and increases the likelihood of long-term success. Some witnesses highlighted that school districts that proactively address segregation through strategic zoning and integration policies see improved student outcomes, demonstrating that equitable attendance zones benefit both individual students and broader communities.

Which policies can enhance school choice without increasing inequalities?

School choice can expand educational opportunities, but without equity-focused policies, it risks deepening disparities. Witnesses noted that limited school capacity, lack of transportation, and within-school segregation often prevent school choice from being a true equalizer. Charter and magnet schools, for example, can provide specialized education options, but their accessibility is often constrained by admission policies, geographic limitations, and resource availability. Ensuring that schools accepting choice students have adequate capacity and resources is crucial to preventing an imbalance where only some students benefit.

Another critical factor is transportation. Many families cannot access school choice options due to distance and a lack of affordable or reliable transit. Policies that provide transportation funding or establish district-run transportation networks can make school choice more equitable. Moreover, witnesses highlighted the need to address within-school segregation, where students from different racial or socioeconomic backgrounds are placed in separate academic tracks, limiting the benefits of school choice. Enforcing diverse classroom placements and inclusive curricula ensures that students not only have access to schools but also to equal learning experiences within them. By implementing these policies, school choice can better serve all students rather than reinforcing existing inequalities.

Recommendations (selected):

The U.S. Department of Justice, Civil Rights Division and U.S. Department of Education, Office for Civil Rights should:

- Review options for enforcing the EEOA's qualified individual right to public school choice, as a federal civil right; and
- Review options for enforcing 20 U.S.C. §1703(c)'s parameters for the permissible and impermissible use of race in drawing attendance boundaries and setting school-assignment policies.

The Colorado General Assembly should:

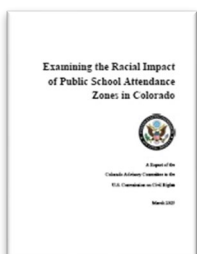
- Review Amend § 22-32-110(1)(m), C.R.S., to incorporate the terms of the EEOA.
- Correct the systemic racial and ethnic disparities wrought by its school-transportation system by exploring innovative transportation models and inclusive funding structures.

The Colorado Department of Education should:

- Adopt transparent enrollment systems with information relevant to parents.

Colorado School Districts should:

- Rely on §204(c) of the EEOA when drawing catchment areas and setting student-assignment policies.
- Revise catchment areas and assignment policies regularly, at least every four years. These rezoning processes can and should include a civil rights focus that considers the mandates of the EEOA.
- Consider racial and ethnic integration as part of the rezoning process, to the extent they can be grounded in the provisions of the EEOA.
- Employ attendance zones only as part of a controlled-choice system that incorporates the terms of the EEOA and respects the civil rights of students if implementing neighborhood-school policies.



Policy Brief

The U.S. Commission on Civil Rights (Commission) is an independent, bipartisan agency established by Congress and directed to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice. This product is part of the Colorado Advisory Committee's study, Examining the Racial Impact of Public School Attendance Zones in Colorado. This policy-oriented summary of the published report is intended to aid stakeholders seeking solutions to this complex issue. You can find the full report here: <https://www.usccr.gov/files/2025-03/co-sac-public-school-attendance-zones-report.pdf>