

## **The Case Against Resegregation**

**By Rev Dr. William J. Barber II, NCNAACP State President and Chair of Legislative-Political Action Committee of National Board of Directors**

There are those who want private schools with public dollars. We say not on our watch, not with our dime! The resegregation of public schools under code words, like “neighborhood schools” demand a challenge. These intentional acts do nothing but create high-poverty racially identifiable schools for poor and minority students, and finance private schools with taxes from Black and White populations. **The NAACP fought to end “separate but equal” schools several decades ago, not just to seat black children beside white children, even though that is a good thing. It is also a mandate of the U.S. Constitution. We fought because “separate but equal” produced systemic inequities in teacher pay, school curriculum, textbooks, transportation, and other opportunities.** Segregation was wrong because it produced barriers no child should have had to face. If we look honestly at our history, we will understand why the resegregation is still wrong and creates poverty and racially identifiable schools.

Patterns of resegregation in North Carolina’s under-resourced and underachieving education system are an everyday reality for many with its intentional pockets of opportunity apartheid. The relationship between racial resegregation, poverty concentration, and reduced student and school performance in North Carolina is clear...

- After decades of only modest progress to end racial and socio-economic segregation, many of the school systems have abandoned (or are abandoning) pro-integration student assignment policies
- Thirteen years after the State Supreme Court ruling in Leandro, K-12 grades per pupil spending remains lower than all but 6 other states and more than 18% below the national average
- Virtually all of the 44 lowest performing high schools are segregated, where 40 of the 44 are racially isolated, predominantly non-white schools, most by very high percentages

This is why we must embrace nine principals if we want high quality diverse, constitutional, and well-funded public education...

1. Stop resegregation and embrace diversity
2. Provide Equity in funding
3. High quality teachers and smaller classrooms
4. High quality leadership teams
5. High quality educational facilities
6. Focus on math science reading and history
7. Promote parental involvement and community involvement
8. Address disparities in the suspension and drop out rates of African American, minority, and poor children
9. Address the need to close opportunity and achievement gaps affecting African American, minority, and poor children

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## For Our Children: It's Time to Move!

The NAACP's struggle for excellent and equitable public education did not begin in Wake County this past year. Since our founding, the NAACP has litigated, protested, lobbied, educated and agitated to protect the rights of all people and children in particular. That is why the North Carolina NAACP, under the leadership of Reverend Dr. William A. Barber II, is confronting the resegregation of North Carolina schools that is happening right now: because it is bad for the children. Not only that, but resegregation violates the United States and North Carolina Constitutions and represents an attack on the principles of the NAACP, which has fought for equitable and excellent schools for a hundred years.

Education research shows us what are the factors needed to produce excellent (i.e. diverse, Constitutional, and well-funded) public schools: **Integrated; High quality teachers; Smaller class rooms; Equitable funding; High quality facilities; High quality leadership teams; Curricula that focuses on math, science, reading, and history; Parental and community involvement; and Proactive strategies that address disparities in suspension, dropout, graduation, and achievement rates.**

This is why on June 15, 2010, Rev. Barber, and more than 30 people of different backgrounds went to jail for acts of civil disobedience in the fight against resegregation in Wake County. What happens in the nationally recognized Wake County Schools System will have an impact across the country. This is also, why we have filed a major federal Title VI Civil Rights complaint.

On September 3, 2010, Republican school board member Janice Cavanaugh of Wilmington asked her state representatives to overturn North Carolina's anti-segregation law. Cavanaugh and her conservative colleagues on the New Hanover County School Board have already moved to re-segregate their public schools under the banner of so-called "neighborhood schools." For example, Snipes Elementary School in downtown Wilmington is only four percent white and 93 percent of the students are eligible for free and reduced lunches,

### **The Many Reasons to Maintain a Commitment to School Diversity**

#### Moral Argument

Every child has a right to a good education, both legally and morally. Our diverse, democratic society benefits from racial and economic diversity in our schools.

#### Educational Argument

Diverse schools provide the resources, positive peer influence, and high academic standards less advantaged children need to excel, while taking nothing away from children who are already privileged.

#### Economic Argument

There is a business case for diverse, high performing schools. The Raleigh Chamber of Commerce is so concerned about the potential impact on the business community and the economy that they are funding the development of their own plan!

#### Legal Argument

Integrated schools were the result of hard fought legal battles and Supreme Court decisions.

**We must say "NEVER AGAIN" to Resegregation!**

while Wrightsville Beach Elementary, only eight miles away, is 93 percent white and only about five percent of the students are eligible for free and reduced lunches.<sup>1</sup>

North Carolina Senate Bill 897 allows the State Board of Education to withhold tax dollars from school systems that cause “the increased segregation of schools by race or socioeconomic status.”<sup>2</sup> That is what was bothering Cavanaugh—the thought of the county having to pay a price for resegregating the public schools. “I am troubled when school funding is conditional upon continued busing of children by race or income,” she wrote. “*Could you please work to overturn this bill?*”<sup>3</sup>

James Baldwin wrote, “Not everything that is faced can be changed; but nothing can be changed until it is faced.”<sup>4</sup> All across North Carolina, the NAACP is mobilizing to fight the new segregationists. From Charlotte to Winston-Salem, from Raleigh to Wilmington, our children’s future is at stake. We are not afraid to face this new challenge to all that we and our parents and grandparents have achieved. They are disrespecting our ancestors, our children, and us by saying it is not about race. How stupid do they think we are?

These new segregationists use old slogans like “forced busing” and “neighborhood schools,” a turn of phrase that entered the battle over public education in the South in Alabama segregationist Governor George Wallace’s July 4, 1964 response to the Civil Rights Act, entitled, “Civil Rights Movement: Fraud, Sham and Hoax.”<sup>5</sup> Richard Nixon and Spiro Agnew picked it up in their “Southern Strategy,” assuring white Southerners that they would “stand with the South behind neighborhood schools.”<sup>6</sup> The new “neighborhood schools” advocates deny any racial motivations, but their programs try to create homogenous suburban schools for affluent white children and fence off inner city schools for poor and minority children.

In the end, high-poverty, racially isolated schools hurt all children. The Coleman Report demonstrated in 1966 that the achievement of poor children improved in schools with a middle-class majority, while the achievement of affluent children did not suffer when they attended school with lower income children. Forty years of education research since Coleman’s landmark study have affirmed these findings again, and again. Gerald Grant’s 2009 Harvard University Press book, Hope and Despair in the American City: Why There Are No Bad Schools in Raleigh, shows that “most of the achievement difference between schools was due to the family backgrounds of students attending these schools and that the high tide of achievement in a predominantly middle-class school raises all boats.”<sup>7</sup>

## **Evolution of Legal Developments**

Even before the national NAACP won the *Brown* decision, the North Carolina NAACP had learned that litigation or the threat of litigation could be effective. In the late 1940s and early 1950s, NAACP branches all over the state—Wilson, High Point, Durham, Old Fort, Lumberton, New

Hanover County, Pamlico County, Washington County, and Gaston County--sued for equal educational facilities. However, in North Carolina, the NAACP did not see the fight for equitable and excellent education as separate from the battle against segregation. At the 1949 state convention, President Kelly Alexander of Charlotte called for a "county by county campaign" to topple segregation in North Carolina. "This fight should include court action on the elementary, secondary, and university level," Alexander declared. "The goal is an integrated system."<sup>8</sup>

The NAACP's victory over school segregation appears to be eroding, both across the country and across North Carolina. It is necessary to know what legal rights exist in order to know what to argue to keep schools integrated or, even at this late date, actually integrate schools. Moreover, it is still necessary to fight for excellent and equitable schools, too. As has always been the case, these are not separate or contradictory struggles.

While there is no fundamental right to education under the federal Constitution, North Carolina explicitly states in its constitution that each student has the right to a sound, basic education. There have been lawsuits, which will be discussed later, about exactly what is meant by the phrase "sound, basic education." It is important to lay the groundwork for what the law says and does not say about what rights students have to a public school education.

Like many other parts of the country, Topeka, Kansas had a policy of school segregation, which, in some cases, required black and white students to attend separate schools. When segregation is carried out based on law it is called *de jure* segregation; this was the case across the South. When segregation is not mandated by law but is implemented by other means, it is called *de facto* segregation. In the Brown case, the NAACP filed a class action suit because segregation was inherently harmful, and the "separate but equal" principle could never work because separate could never be equal.

**Brown v. Board of Education of Topeka,**  
347 U.S. 483 (1954)

- "Separate but equal" public schools are unconstitutional

**Brown v. Board of Education (II),** 349 U.S. 294 (1955)

- Federal district courts oversee school boards' desegregation efforts
- Integration must take place "at all deliberate speed" which delayed the process with pro-segregation states

In a unanimous decision on May 17, 1954, the U.S. Supreme Court ruled that segregation violated the Fourteenth Amendment rights of students and had no place in the field of public education. *Brown v. Board of Education* is one of the most celebrated cases in Supreme Court history. School districts were not sure how to carry out desegregation so another case went to the Supreme Court. The Court held that federal district courts would oversee school boards as they integrated

their schools. Unfortunately, the Court stated in *Brown II* that desegregation should occur at “all deliberate speed” without defining what that meant. For some school districts, this meant with no speed at all.

North Carolina did not want to integrate. In response to *Brown*, Governor William Umstead created a “Special Advisory Committee on Education.” Thomas Pearsall, a former Speaker of the House from Rocky Mount, chaired the Committee. The 15-member Pearsall Committee, which included three black members, reached the conclusion that desegregation of the schools could not be done and should not even be attempted.<sup>9</sup> North Carolina NAACP president Kelly Alexander pointed out that the three black men, all of whom were state employees, were “not free to express their personal opinion” and did not reflect “the majority opinion of fellow Negroes of North Carolina.”<sup>10</sup>

In 1955, the North Carolina Legislature passed the Pupil Assignment Act. The Act used factors such as location of residence and prior school enrollment to keep schools from integrating. The Act specifically avoided the use of race but used factors that would prevent any black student from transferring to a white school.<sup>11</sup> The “only option (left) was to challenge each of North Carolina’s school districts one by one.”<sup>12</sup>

Governor Luther Hodges, who took office after the death of Governor Umstead, appointed Pearsall to chair a second committee. The new all-white Pearsall Committee recommended an amendment to the state constitution, which would allow legislative action to avoid integration. The committee also proposed legislation that would amend the compulsory attendance law so no student would have to attend an integrated school. Public funds should be offered to white parents who wanted to send their children to private schools to avoid integration, the committee stipulated. The proposed legislation would be called the Pearsall Plan. In 1956, the Pearsall Plan passed nearly unanimously. The voters of North Carolina overwhelmingly approved the amendment to the state constitution.<sup>13</sup> The North Carolina NAACP vowed to fight.

In 1957, NAACP President Alexander recruited the Charlotte family of Dorothy Counts to ask for transfer to Harding High, a request that the school board accepted. As she walked into the school, white students and parents pelted Dorothy Counts with sticks and stone. “Spit on her, girls, spit on her,” screamed Mrs. John Warlick of the White Citizens Council. Others chanted “Nigger, go back to Africa!” The New York Times reporter said that Counts confronted the jeering mob “with a quiet dignity that made theories of Negro inferiority seem grotesque.” Because of continued harassment, Counts withdrew and enrolled in an integrated school in Philadelphia.<sup>14</sup>

By 1960, no school board in North Carolina had initially assigned a single African American student to a white school; school boards denied nearly all the hundreds of requests, each of which risked a family’s safety and livelihood. However, the North Carolina NAACP had filed more school desegregation lawsuits than any other state. Though North Carolina’s “moderate” approach

resisted integration more successfully than the “massive resistance” of the Deep South, the NAACP persisted. Julius Chambers, a young attorney from Mount Gilead who had graduated from UNC Law School at the top of his class, filed 34 school desegregation suits in North Carolina in 1965, his first year in Charlotte; and he would file hundreds more during the 1960s and 1970s. Before the end of 1965, Klan terrorists dynamited Chambers’ car in New Bern. They also bombed his Charlotte home, as well as the homes of NAACP President Kelly Alexander, his brother Fred Alexander, and NAACP member and activist, Reginald Hawkins.<sup>15</sup>

Responding to the freedom movement and terrorist violence across the South, the United States Congress stepped into the civil rights arena and passed legislation prohibiting discrimination. The Civil Rights Act of 1964 has several titles, which make racial discrimination illegal. Title VI of the Civil Rights Act of 1964 bans discrimination based on race, color or national origin for any entity that receives federal funding, which includes public schools. However, the fight continues, as demonstrated by the North Carolina NAACP filing of Title VI complaints against Wayne County Public Schools in 2009 and in 2010 against the Wake County Public School System.

**Title VI of the Civil Rights Act of 1964**

- Forbids intentional or unintentional discrimination based on race, color or national origin by any entity receiving federal funds.

**Green v. County School Board of New Kent County, 391 U.S. 430 (1968)**

- “Freedom of choice” plans that are used to prevent integration are not permissible
- School districts must create unitary school systems without racial discrimination

Some school districts, which segregated students, provided a choice for their residents. The “freedom of choice” issue reached the U.S. Supreme Court in 1968 in the case of *Green v. County School Board of New Kent County*. In the *Green* case, the New Kent County school district still had white schools and black schools. The State of Virginia created statutes to evade the *Brown* decision and allowed the school board to assign students to the schools they already attended. If a student was enrolling in school, a state

school placement board would select where the students went to school, rather than the local school board. Parents of white children chose the white school, and black parents chose the black school. The Supreme Court found the New Kent County “freedom of choice” plan did not create an adequate opportunity to create a desegregated school system. While “freedom of choice” plans were not explicitly called unconstitutional, they were found to be ineffective in creating integrated schools. The Court ruled that school districts needed to create unitary school systems without racial discrimination.

Even though the Civil Rights Act existed and the U.S. Supreme Court’s rulings in the *Brown* and *Green* cases, the Pearsall Plan still kept North Carolina public schools from integrating. That

changed in 1969 when federal court ruled in favor of the NAACP in *Godwin v. Johnston County Board of Education* that the Pearsall Plan was unconstitutional.

In 1971, despite the fact that their law office had been firebombed, a team of NAACP attorneys led by Julius Chambers won the *Swann v. Charlotte-Mecklenburg Board of Education* case before the United States Supreme Court. The Swann case brought the issue of busing to desegregate public schools to the highest

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

- Busing is permissible to integrate public schools

court in the country. Busing would be necessary to desegregate the schools in the newly formed Charlotte-Mecklenburg public school system. The Supreme Court unanimously affirmed a plan, which created satellite zones where students would be bused in order to integrate the schools.

While the *Swann* case helped Charlotte become a leader in the nation for busing and integration, the victory would not be permanent. As the Charlotte area grew so did the distaste for busing. In response, the Charlotte-Mecklenburg School System created a plan to reduce busing called managed choice. This allowed people to choose schools in their neighborhoods or choose magnet schools, which had balanced the number of white students and African American students. Several white families were upset that their children would be denied entrance into a magnet school if the balance of white students was already reached.

**Belk v. Charlotte-Mecklenburg Board of Education, 269 F.3d 305 (4th Cir. 2001)**

- The goal of a unitary system had been met and busing for integration was no longer required

In *Belk v. Charlotte-Mecklenburg Board of Education*, a father, William Capacchione, sued after a magnet school denied his daughter admission. A federal judge declared that the goal of a unitary system had been met and busing for integration was no longer required. The Fourth Circuit Court of Appeals affirmed the decision and

the U.S. Supreme Court declined to hear the case. This led Charlotte-Mecklenburg Schools to where they are now. The school system is now defined with attendance zones, which are based on a neighborhood's locality. Since most people live in segregated neighborhoods, the "neighborhood schools" assignment plan that Charlotte currently uses has created public school resegregation.

The "neighborhood schools" campaign to resegregate public education dealt the legacy of *Brown* another blow in the U.S. Supreme Court's decision in *Parents Involved in Community Schools v. Seattle School District No. 1*. School systems in Seattle, Washington and Louisville, Kentucky were using race to integrate schools. Parents sued because they believed race should be impermissible in school assignment policies.

The Seattle case resulted in a plurality decision by the Court, meaning that there is no majority decision but it still creates law. The plurality opinion stated that schools' assignment policies could not be based on race, even if they were used to create balance in the schools. In a concurring opinion, Justice Anthony Kennedy stated that schools could be race conscious when developing an assignment plan but other factors besides race must be used to achieve balance.

Racial diversity, while relevant to school excellence, is just one of a series of issues, which are important to ensure that public schools serve students. School excellence also includes factors such as teacher quality, funding and ensuring students are provided with education due them by state laws or constitutions.

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

- A plurality opinion, which is not as strong as a majority opinion
- Race cannot be the decisive factor in student assignments
- Justice Anthony Kennedy's concurring opinion states that school districts may be race conscious but race cannot be the only factor in deciding student assignments

**Leandro v. State, 346 N.C. 336 (1997)**

- Every child is entitled to a sound basic education

In North Carolina, a lawsuit entitled *Leandro v. State of North Carolina* was instigated by five low wealth school districts that felt that they could not provide a higher quality of education because they lacked the resources. Several urban communities also joined the suit, because some of their students lived in poverty and some students had issues with language impediments. All of these school districts believed that the state's funding mechanism did not allow them to carry out their constitutional duties. The State of North Carolina as well as the State Board of Education claimed that there was no constitutional right to provide an adequate education.

The Supreme Court of North Carolina held that the North Carolina Constitution provided the right to an education in two places. The North Carolina Supreme Court also held that the minimum standard of education that the state had to provide is a "sound basic education." The court said the following were the basis of a sound basic education:

- (1) *Sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society;*
- (2) *sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;*
- (3) *Sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and*
- (4) *Sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society*

The court did say that the way the state funded school systems was constitutional and that there is no right to equivalent funding. Following the North Carolina Supreme Court ruling that students had a constitutional right to a sound basic education, the case returned to a trial court to litigate what should be provided to students.

In a series of rulings, Judge Howard Manning ruled that:

- A sound basic education included that the minimum academic performance level of a student is Level III or above
- Each public school in North Carolina is capable of having 90% of its students at Level III or above
- Students who drop out are not receiving the constitutional right to a sound basic education
- Students who are at risk shall be provided with pre-Kindergarten programs
- Each school must be provided with competent, certified and well-trained teachers and principals
- Each school district must have the necessary resources to provide sufficient support to the students, teachers and principals.<sup>16</sup>

The North Carolina Supreme Court upheld every ruling except the requirement of pre-Kindergarten programs.

Diversity is only one part of school excellence. It is also important to know that North Carolina has standards that the state must adhere to in order to provide the sound basic education to which each student has a right. School excellence exists in equity, fairness and diversity.

### **Race in American Public Schools: Rapidly Resegregating School Districts<sup>17</sup>**

This study by the Harvard Civil Rights Project confirms that the resegregation efforts we have seen in North Carolina school districts such as Wake, Charlotte-Mecklenburg, and New Hanover are part of a clear national trend – over the past twenty-five years nearly all school districts have become more segregated. Almost twenty-five years of efforts towards integration have been undone as courts have ended desegregation orders and forbidden the use of racially conscious student assignment plans. From the early 1970s to the late 1980s, districts in the South had the highest levels of black-white integration in the nation. From 1986-2000, the districts that have been most rapidly resegregating are in the South.

#### **Key Findings**

- Districts that show the least segregation are predominantly in the South, probably due to lingering effects of desegregation plans.
- The lowest levels of integration are in districts with either no desegregation plan or where the courts rejected a city-suburban plan.

- The highest levels of integration are in Southern districts with city-suburban plans. However, all of these districts are no longer required to integrate under court order. These districts currently show a trend toward resegregating.
- White students have become more segregated from black and Latino students even though school enrollment has become more diverse.

**Differential Access to Middle Income Peers and the Racial Achievement Gap**

The Harvard Civil Rights Project report on resegregation makes it clear that resegregation in North Carolina is part of a national trend. In North Carolina, this increase in segregation is accompanied by achievement disparities between black and white students as measured by the End of Course Composite for all subjects (black-white achievement gap). Racially isolated schools are most often schools with high poverty.<sup>18</sup> High poverty schools depress the academic achievement of all students who attend those schools.<sup>19</sup> The tables below<sup>20</sup> demonstrate two critical realities:

- 1) Black students in North Carolina attend school with fewer middle income students than their white counterparts; and
- 2) The black-white achievement gap is related to the differential access to middle-income peers between black and white students.

**Overall Trends**

Black students in North Carolina attend school with 11% fewer middle income peers than do white students. The table clearly shows the relationship between access to middle-income peers and the black-white achievement gap. In districts where black students have equal or better access to middle income students than white students, the achievement gap drops to 22.88% from the statewide average of 25.4%. Conversely, where black students have 40% less access to middle-income students than white students, the achievement gap rises to 28.8%. Thus, the achievement gap is 26% higher in districts where black students have 40% less access to middle-income students than do their white counterparts in comparison to districts where there is equal access to middle-income peers for black and white students.

<b>Black-White Achievement Gap</b>	
<b>Black Student Access Equal/Greater</b>	22.88%
<b>Black Student Access Over 40% Less</b>	28.8%
<b>Statewide Achievement Gap</b>	25.4%

This data only takes into account segregation that is occurring at the school level. It does not capture segregation that is likely occurring *within* schools. Black students are likely far more socio-economically segregated than this information suggests, further accounting for the black-white achievement gap.

### Summary of Key Findings

- School districts in North Carolina expose black students to about 11% less middle-income students than white students are exposed to.
- School districts with an achievement gap lower than the state average provide black students access to only 7.4% fewer middle income peers than white students; in contrast, districts with an achievement gap higher than the state average provide black students access to 16.3% fewer middle income peers than white students.
- Nearly 1 in 5 districts in the state are providing black students 25% less access to middle-income peers than white students.
- About 1 in 4 districts expose black students to only 5% fewer middle-income students than white students are exposed to.
- In several districts, white students are exposed to almost twice as many middle income peers than are black students.
- In districts with a black-white achievement gap below 20%, black students' access to middle-income peers is nearly identical to that of white students.
- In districts with a black-white achievement gap above 30%, black students' access to middle-income peers is 17% less than white students' access.
- Districts that assign white students to predominantly middle-income schools and black students to predominantly poor schools appear to be making their achievement gaps wider.
- Districts providing the least access to minority students have achievement gaps that are well above the state average.
- There are 86 "racially-isolated" high schools in North Carolina where the percentage of black students at least 20 percentage points higher than the percentage of the black student population in the district. This represents 16% of the 538 high schools in North Carolina.
- Different levels of access to middle-income peers between white and black students within schools likely further influence the black-white achievement gap.

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<sup>1</sup> Cash Michaels, "New Hanover County School Board Member Wants State Anti-Segregation Law 'Overturned,'" *Wilmington Journal*, September 15, 2010.

<sup>2</sup> North Carolina Senate Bill 897, signed into law by Governor Beverly Perdue, June 30, 2010.

<sup>3</sup> Janice Cavanaugh to Carolyn Justice and Danny McComas, September 3, 2010. Quoted in *Wilmington Journal*, September 15, 2010

<sup>4</sup> James Baldwin, "As Much Truth As One Can Bear," *New York Times Book Review*, January 14, 1962

<sup>5</sup> George Wallace, "Civil Rights Movement: Fraud, Sham and Hoax," July 4, 1964, [www.fordham.edu/halsall/mod/1964WALLACE.html](http://www.fordham.edu/halsall/mod/1964WALLACE.html).

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<sup>6</sup> James M. Naughton, "Agnew Pledges the South a Seat on the Supreme Court," *New York Times*, October 27, 1970. The slogan appears in segregation campaigns North and South. See Richard Perlstein, *Nixonland: The Rise of a President and the Fracturing of a Nation*, (New York: Scribner, 2008), 134-135, 233

<sup>7</sup> Gerald Grant, *Hope and Despair in the American City: Why There Are No Bad School in Raleigh*, (Cambridge: Harvard University Press, 2009), 159-160

<sup>8</sup> Davison Douglas, *Reading, Writing and Race: The Desegregation of the Charlotte Schools*, (Chapel Hill: University of North Carolina Press, 1995), 21-23

<sup>9</sup> *Civilities and Civil Rights : Greensboro, North Carolina, and the Black Struggle for Freedom* by William Henry Chafe, Oxford University Press, New York, 1980. It should be noted that three of the 15-committee members were African Americans, each of them state employees dependent on state funds for their livelihood.

<sup>10</sup> Kelly Alexander, "Implementation of the United States Supreme Court Decision of May 17, 1954, in North Carolina," 11, *Kelly Alexander Papers*, University of North Carolina-Charlotte

<sup>11</sup> *Id.*

<sup>12</sup> Robert R. Korstad & James L. Leloudis, *To Right These Wrongs*, (Chapel Hill: University of North Carolina Press, 2010), 34

<sup>13</sup> *Id.*

<sup>14</sup> Davison Douglas, *Reading, Writing and Race: The Desegregation of the Charlotte Schools*, (Chapel Hill: University of North Carolina Press, 1995), 72

<sup>15</sup> Douglas, *Reading, Writing and Race*, 109, 120

<sup>16</sup> All of Judge Manning's orders were accessed from National Access Network, Teachers College, Columbia University, [http://www.schoolfunding.info/states/nc/lit\\_nc\\_Hoke.php3](http://www.schoolfunding.info/states/nc/lit_nc_Hoke.php3) (last accessed September 30, 2010)

<sup>17</sup> Erica Frankenberg and Chungmei Lee, *Race in American Public Schools: Rapidly Resegregating School Districts* (2002), Harvard Civil Rights Project, available at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/race-in-american-public-schools-rapidly-resegregating-school-districts/frankenberg-rapidly-resegregating-2002.pdf>

<sup>18</sup> Anurima Bhargava et al., NAACP Legal Def. and Educ. Fund, Inc. & The Civil Rights Project, "Still looking to the future: Voluntary K-12 School Integration" 14 (2008)

<sup>19</sup> James S. Coleman, et al, "Equality of Educational Opportunity" 21-22 (1966); Richard Kahlenberg, "All Together Now"(2001); *The Future of Brown v. Board of Education: Economic Integration of the Public Schools*, 117 *Harv. L. Rev.* 1355-56 (2004)

<sup>20</sup> Data derived from Draft Memo from Derek Black to the University of North Carolina School of Law Center for Civil Rights on Study of Differential Access to Middle Income Peers and the Effect on Achievement Gaps, July 22, 2010

**Racial and Socioeconomic Segregation and Their Effects on the Achievement Gap: 2008 - 2009 School Year**

School Districts	Black students	% Black Within District	Number of high schools	Number of Racially Identifiable	% Racially Identifiable	% Black Exposed to Middle Income Students	% White Exposed to Middle Income Students	% Free/Reduce Lunch	Black/White Achievement Gap
ALAMANCE-BURLINGTON	5,995	26.60%	8	2	25.00%	44.15%	61.77%	47.97%	25.10%
ALEXANDER COUNTY	385	6.89%	1	0	0.00%	n/a	n/a	47.46%	n/a
ALLEGHANY COUNTY	57	3.72%	1	0	0.00%	38.40%	38.46%	61.62%	9.80%
ANSON COUNTY	2,460	61.65%	4	1	25.00%	23.35%	32.12%	73.50%	34.70%
ASHE COUNTY	81	2.49%	1	0	0.00%	44.02%	45.11%	55.21%	45.90%
AVERY COUNTY	38	1.68%	1	0	0.00%	40.38%	44.06%	56.77%	n/a
BEAUFORT COUNTY	2,770	38.10%	4	1	25.00%	33.10%	40.87%	62.89%	25.80%
BERTIE COUNTY	2,566	86.22%	3	0	0.00%	20.14%	19.44%	79.51%	15.60%
BLADEN COUNTY	2,420	46.69%	3	0	0.00%	28.78%	33.55%	70.01%	14.70%
BRUNSWICK COUNTY	2,676	22.61%	5	0	0.00%	39.26%	42.57%	58.96%	21.80%
BUNCOMBE COUNTY	2,707	10.47%	9	0	0.00%	51.12%	54.47%	46.75%	29.20%
ASHEVILLE CITY	1,521	40.69%	3	1	33.33%	50.33%	55.68%	46.88%	46.90%
BURKE COUNTY	1,387	9.91%	7	0	0.00%	40.09%	44.91%	56.11%	26.00%
CABARRUS COUNTY	5,804	20.92%	9	1	11.11%	62.46%	67.03%	35.07%	22.20%
KANNAPOLIS CITY	1,677	32.63%	1	0	0.00%	27.60%	28.00%	73.16%	20.10%
CALDWELL COUNTY	1,218	9.32%	6	0	0.00%	38.89%	49.39%	52.08%	19.10%
CAMDEN COUNTY	302	15.93%	2	0	0.00%	72.68%	72.59%	27.43%	25.10%
CARTERET COUNTY	945	11.42%	4	0	0.00%	55.66%	59.57%	41.20%	24.80%
CASWELL COUNTY	1,330	41.73%	1	0	0.00%	39.96%	41.29%	59.45%	16.80%
CATAWBA COUNTY	1,725	9.80%	7	0	0.00%	56.00%	60.89%	40.62%	27.20%
HICKORY CITY	1,302	28.72%	2	1	50.00%	38.71%	44.36%	59.00%	38.10%
NEWTON-CONOVER	644	22.41%	2	0	0.00%	42.26%	43.74%	57.29%	26.30%
CHATHAM COUNTY	1,458	18.88%	4	0	0.00%	52.04%	62.89%	46.77%	30.70%
CHEROKEE COUNTY	133	3.72%	5	0	0.00%	42.32%	38.23%	61.96%	43.20%
EDENTON/CHOWAN	1,097	45.82%	1	0	0.00%	43.14%	43.38%	56.84%	35.00%
CLAY COUNTY	27	1.94%	1	0	0.00%	45.46%	46.72%	53.33%	n/a
CLEVELAND COUNTY	4,960	29.94%	5	2	40.00%	42.43%	47.36%	54.52%	23.10%
COLUMBUS COUNTY	2,495	36.29%	4	0	0.00%	26.86%	36.07%	67.55%	21.90%
WHITEVILLE CITY	1,152	46.81%	2	0	0.00%	35.69%	36.34%	64.03%	31.30%
CRAVEN COUNTY	5,294	36.00%	4	0	0.00%	43.57%	49.80%	52.99%	25.60%
CUMBERLAND COUNTY	27,690	52.12%	20	4	20.00%	41.16%	50.71%	54.94%	23.80%
CURRITUCK COUNTY	418	10.43%	1	0	0.00%	65.54%	67.18%	33.09%	12.10%
DARE COUNTY	278	5.77%	4	0	0.00%	61.11%	67.84%	33.24%	13.60%
DAVIDSON COUNTY	970	4.69%	8	0	0.00%	65.05%	63.64%	36.37%	19.30%
LEXINGTON CITY	1,286	41.51%	1	0	0.00%	15.54%	15.48%	85.23%	33.80%
THOMASVILLE CITY	1,221	47.77%	1	0	0.00%	12.53%	10.49%	88.78%	21.60%
DAVIE COUNTY	664	9.98%	3	0	0.00%	54.95%	62.00%	39.71%	34.10%
DUPLIN COUNTY	2,677	30.10%	5	2	40.00%	28.13%	37.99%	69.22%	24.90%
DURHAM COUNTY	18,404	56.99%	12	7	58.33%	44.45%	61.27%	53.01%	38.20%

\*Schools considered "racially identifiable" if the % of black students within the school was at least 20% more than the black student population in the district.

\*\*Schools offering grades 9-12, not including special education schools.

**Racial and Socioeconomic Segregation and Their Effects on the Achievement Gap: 2008 - 2009 School Year**

School Districts	Black students	% Black Within District	Number of high schools	Number of Racially Identifiable	% Racially Identifiable	% Black Exposed to Middle Income Students	% White Exposed to Middle Income Students	% Free/Reduce Lunch	Black/White Achievement Gap
EDGECOMBE COUNTY	4,326	59.03%	5	2	40.00%	24.92%	30.32%	73.69%	24.30%
FORSYTH COUNTY	18,420	35.55%	18	7	38.89%	41.14%	65.74%	49.26%	36.80%
FRANKLIN COUNTY	3,013	35.55%	3	0	0.00%	45.90%	48.56%	53.00%	23.50%
GASTON COUNTY	7,346	22.64%	10	2	20.00%	35.76%	50.01%	54.24%	25.00%
GATES COUNTY	751	38.99%	1	0	0.00%	52.63%	51.90%	47.99%	17.40%
GRAHAM COUNTY	22	1.90%	1	0	0.00%	39.59%	40.79%	59.34%	n/a
GRANVILLE COUNTY	3,362	37.93%	7	0	0.00%	46.98%	53.87%	49.51%	20.10%
GREENE COUNTY	1,527	45.68%	2	0	0.00%	26.28%	26.69%	74.50%	25.10%
GUILFORD COUNTY	32,765	45.81%	28	6	21.43%	39.68%	63.60%	50.90%	32.90%
HALIFAX COUNTY	3,792	88.00%	2	0	0.00%	14.88%	10.39%	85.98%	20.80%
ROANOKE RAPIDS CITY	693	23.36%	2	0	0.00%	53.19%	54.84%	45.69%	22.00%
WELDON CITY	942	96.12%	1	0	0.00%	22.88%	8.65%	76.96%	15.90%
HARNETT COUNTY	6,084	32.17%	5	1	20.00%	45.78%	48.61%	53.07%	25.20%
HAYWOOD COUNTY	222	2.81%	4	0	0.00%	53.36%	56.44%	43.72%	19.30%
HENDERSON COUNTY	1,139	8.56%	5	0	0.00%	46.28%	54.76%	47.88%	24.50%
HERTFORD COUNTY	2,626	82.47%	2	0	0.00%	17.29%	16.73%	82.95%	19.30%
HOKE COUNTY	3,352	43.99%	3	1	33.33%	36.57%	41.35%	64.84%	20.10%
HYDE COUNTY	250	39.68%	2	0	0.00%	25.62%	49.20%	61.89%	40.00%
IREDELL-STATESVILLE	3,606	16.90%	8	2	25.00%	47.27%	66.42%	38.57%	31.00%
MOORESVILLE CITY	967	17.89%	1	0	0.00%	66.89%	66.83%	33.28%	20.50%
JACKSON COUNTY	89	2.40%	3	0	0.00%	47.54%	50.37%	50.90%	27.20%
JOHNSTON COUNTY	6,724	21.42%	8	1	12.50%	55.73%	64.82%	39.66%	26.30%
JONES COUNTY	641	54.09%	1	0	0.00%	21.52%	21.77%	78.87%	8.60%
LEE COUNTY	2,575	26.61%	4	1	25.00%	40.05%	43.55%	58.73%	26.00%
LENOIR COUNTY	4,642	49.43%	5	2	40.00%	31.96%	48.00%	60.58%	26.10%
LINCOLN COUNTY	1,153	9.50%	6	1	16.67%	47.28%	57.80%	44.84%	27.90%
MACON COUNTY	97	2.20%	4	0	0.00%	34.24%	37.27%	63.82%	25.40%
MADISON COUNTY	42	1.59%	1	0	0.00%	44.81%	45.35%	54.86%	n/a
MARTIN COUNTY	2,016	51.76%	4	1	25.00%	27.24%	45.97%	64.10%	25.50%
MCDOWELL COUNTY	341	5.23%	2	0	0.00%	33.95%	37.58%	63.44%	20.30%
MECKLENBURG COUNTY	61,093	45.57%	30	10	33.33%	41.35%	71.99%	48.81%	24.20%
MITCHELL COUNTY	15	0.70%	1	0	0.00%	42.44%	42.46%	57.61%	51.60%
MONTGOMERY COUNTY	1,108	25.16%	3	0	0.00%	29.90%	33.13%	71.96%	26.30%
MOORE COUNTY	2,727	22.23%	4	0	0.00%	53.99%	60.00%	43.58%	32.30%
NASH-ROCKY MOUNT	9,745	54.95%	6	1	16.67%	27.12%	35.90%	55.79%	30.70%
NEW HANOVER COUNTY	6,814	28.28%	7	2	28.57%	51.34%	66.75%	43.90%	34.00%
NORTHAMPTON COUNTY	2,067	80.37%	3	0	0.00%	10.91%	13.85%	88.73%	18.20%
ONSLOW COUNTY	7,198	30.29%	7	1	14.29%	55.58%	57.76%	43.18%	17.60%
ORANGE COUNTY	1,475	20.98%	3	0	0.00%	63.13%	66.26%	35.33%	25.10%

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**Racial and Socioeconomic Segregation and Their Effects on the Achievement Gap: 2008 - 2009 School Year**

School Districts	Black students	% Black Within District	Number of high schools	Number of Racially Identifiable	% Racially Identifiable	% Black Exposed to Middle Income Students	% White Exposed to Middle Income Students	% Free/Reduce Lunch	Black/White Achievement Gap
CHAPEL HILL-CARRBORO	2,324	19.98%	4	0	0.00%	74.17%	75.15%	25.37%	40.80%
PAMLICO COUNTY	425	29.62%	1	0	0.00%	46.38%	47.25%	53.14%	20.20%
PASQUOTANK COUNTY	2,943	48.20%	3	1	33.33%	41.22%	45.87%	56.70%	27.30%
PENDER COUNTY	1,890	23.06%	5	1	20.00%	34.10%	50.91%	54.74%	24.90%
PERQUIMANS COUNTY	580	33.41%	1	0	0.00%	34.71%	34.27%	65.72%	24.00%
PERSON COUNTY	2,043	38.47%	1	0	0.00%	44.14%	52.00%	54.94%	26.70%
PITT COUNTY	12,095	52.03%	6	0	0.00%	44.40%	53.13%	52.64%	32.70%
POLK COUNTY	269	10.80%	2	0	0.00%	48.97%	48.72%	51.60%	28.80%
RANDOLPH COUNTY	1,348	7.12%	5	0	0.00%	46.07%	53.53%	48.31%	26.60%
ASHEBORO CITY	893	19.53%	1	0	0.00%	40.95%	44.13%	59.67%	37.10%
RICHMOND COUNTY	3,290	42.18%	3	1	33.33%	28.93%	29.45%	71.36%	25.60%
ROBESON COUNTY	7,128	29.96%	8	0	0.00%	19.71%	26.98%	78.10%	18.20%
ROCKINGHAM COUNTY	3,747	26.52%	5	1	20.00%	39.32%	48.46%	54.96%	20.50%
ROWAN-SALISBURY	4,817	23.03%	7	3	42.86%	37.66%	53.53%	51.48%	25.20%
RUTHERFORD COUNTY	1,614	17.16%	5	0	0.00%	35.72%	39.15%	61.81%	25.50%
SAMPSON COUNTY	2,377	27.99%	5	0	0.00%	31.92%	38.41%	65.72%	22.10%
CLINTON CITY	1,418	45.64%	1	0	0.00%	36.53%	36.32%	63.82%	33.40%
SCOTLAND COUNTY	3,271	48.95%	9	1	11.11%	24.99%	31.18%	72.37%	25.90%
STANLY COUNTY	1,571	16.74%	6	2	33.33%	39.04%	52.98%	49.87%	31.30%
STOKES COUNTY	478	6.63%	4	0	0.00%	55.59%	58.34%	42.00%	22.40%
SURRY COUNTY	477	5.46%	4	0	0.00%	38.57%	43.96%	57.58%	18.30%
ELKIN CITY	78	6.41%	1	0	0.00%	64.87%	64.59%	35.02%	13.80%
MOUNT AIRY CITY	272	16.64%	1	0	0.00%	40.95%	43.44%	57.72%	21.50%
SWAIN COUNTY	23	1.21%	2	0	0.00%	50.81%	42.50%	58.20%	n/a
TRANSYLVANIA COUNTY	376	9.99%	3	0	0.00%	48.60%	49.89%	50.46%	14.90%
TYRRELL COUNTY	255	42.86%	1	0	0.00%	28.44%	28.78%	71.62%	22.10%
UNION COUNTY	6,467	17.01%	11	3	27.27%	57.19%	76.50%	30.28%	25.40%
VANCE COUNTY	5,003	66.59%	3	1	33.33%	15.71%	19.77%	83.88%	22.90%
WAKE COUNTY	42,197	30.64%	24	5	20.83%	61.87%	71.90%	32.95%	32.50%
WARREN COUNTY	1,936	72.97%	2	0	0.00%	21.51%	23.76%	78.22%	30.70%
WASHINGTON COUNTY	1,454	74.11%	2	0	0.00%	18.43%	19.22%	81.65%	23.50%
WATAUGA COUNTY	153	3.41%	1	0	0.00%	66.75%	66.79%	33.39%	16.20%
WAYNE COUNTY	8,215	42.38%	10	3	30.00%	30.86%	48.21%	61.06%	24.40%
WILKES COUNTY	690	6.85%	5	0	0.00%	39.16%	41.93%	58.93%	20.70%
WILSON COUNTY	6,353	50.25%	4	1	25.00%	29.82%	41.40%	65.81%	30.50%
YADKIN COUNTY	331	5.50%	4	0	0.00%	48.00%	52.22%	48.95%	32.00%
YANCEY COUNTY	68	2.75%	1	0	0.00%	44.71%	46.95%	53.53%	-1.40%
<b>State Totals</b>	<b>444,870</b>	<b>31.20%</b>	<b>538</b>	<b>86</b>	<b>15.99%</b>	<b>40.89%</b>	<b>46.36%</b>	<b>49.85%</b>	<b>25.43%</b>

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