

A History of Educational Advancement in North Carolina
Presentation by Benita N. Jones, Education Fellow, UNC Center for Civil Rights
“Won’t You Be My Neighbor?” Great Schools in Wake Community Forum
March 20, 2010

Good morning. My name is Benita Jones and I am an attorney and the current Education Fellow at the Center for Civil Rights at UNC School of Law. I am also a proud product of Wake County magnet schools. I am grateful that my parents had the foresight to relocate to Raleigh from eastern North Carolina because of Wake County’s schools, and I was fortunate to have the opportunity to attend Ligon Middle School and Enloe High School before graduating from the North Carolina School of Science and Mathematics. I consider myself a product of some of the finest public educational institutions in North Carolina. I’m proud to be a part of the current discourse in Wake County, and I hope to play a role in preserving the quality and diversity in these schools for the benefit of my future children.

I’ve been asked to start our day together by presenting a history of educational advancement in North Carolina. The main character in this story is race; the supporting character is class. I’d like to use my time this morning to review the legal and political history of our state’s modern educational system, and I applaud the Great Schools in Wake Coalition for beginning this day of speakers and information sharing with a historical perspective. First, as clichéd as it may sound, if we don’t know our history, we’re doomed to repeat it. The key to real progress is understanding how our legal and political history has shaped our present. And lastly, North Carolina’s history in particular provides insights about the right, and wrong, ways for our policymakers and citizens to be stewards of positive social change.

I. Early Progress?

North Carolina was one of first states to make constitutional provisions for both the common and higher education of the children of this state. Our first statewide system of school districts divided the state into 1250 districts of 6 miles each, with one school in each district. Each individual system operated on state funding in the amount of \$240 each year and a local contribution of close to \$500 each year.

The North Carolina Constitution of 1868 sought to rebuild our public school system that had been physically and financial destroyed during the Civil War. Lawmakers wrestled with how to design a school system to serve a state population consisting of approximately five-eighth impoverished whites and three-eighths of black “paupers recently made citizens”. The solution was to provide a free public education for all children in the state, aged 6-21, separated by race (and only men were allowed to serve on local boards of education).

II. Push and Pull of Integration

The next 70+ years in North Carolina saw the expansion of dual systems of schools, students, teachers and public universities. Then May 17, 1954 ushered in a two-decade era in which our state engaged in a push and pull with federal courts and government around the issue of integration. On this date, the US Supreme Court announced its landmark decision in *Brown v. Board of Education*, declaring that separate

is inherently unequal; however it would be nearly a decade before North Carolina experienced meaningful integration in its public schools.

The North Carolina House of Representatives responded in April, 1955 with a resolution declaring that it opposed the mixing of races in North Carolina public schools; the North Carolina Senate passed a similar resolution saying that the desegregation of North Carolina public schools could not be accomplished and would end public support to these schools. By late May, 1955, in *Brown II*, the Supreme Court qualified that school desegregation must occur “with all deliberate speed”, a vague, open-ended timetable established in response to pushback from Southern states

In 1956, the North Carolina General Assembly passed legislation giving school boards local control over the administration and integration of their systems. Our state also adopted the Pearsall Plan, crafted by an all-white advisory committee on education led by Thomas Pearsall, which allowed parents who opposed integration to request reassignment to different public schools, or use state grants to pay tuition for private schools. As a result of this legislation, in 1959 the federal court of appeals ruled in favor of the Raleigh City Board of Education and prevented Joseph Holt Jr. from integrating Daniels Junior High and Broughton High School, his “neighborhood schools”.

Finally gaining the votes and the courage to stop the southern states’ defiance of federal law, as a part of the Civil Rights Act of 1964, Congress established the Department of Health, Education and Welfare (the predecessor of the Department of Education); the HEW Office of Civil Rights enforced Title VI of the Act, providing that federal funds could not be used in an activity that discriminated on the basis of race, color, creed or national origin. Southern school systems, including NC schools, realized they could lose federal funding if they continued segregation. In 1965, North Carolina responded with its Freedom of Choice plan, allowing parents to choose which schools their children would attend. School still remained segregated, and finally, by 1969, a federal court ruled that the plan was unconstitutional and an invalid way to desegregate public schools.

While long knowing that separate was inherently unequal, Black communities countered, however, the advancements they made in the shadow of separation deserved acknowledgment, respect and preservation as administrators continued their blatant racism even in integration plans, causing black and Native American teachers to lose their jobs or be demoted, and communities lost their neighborhood schools. For the 1968 school year, black students in Hyde County, North Carolina boycotted public schools, asking for and eventually getting a desegregation plan that preserved all black schools as new integrated schools.

Finally, by 1971, 17 years after *Brown*, a North Carolina school system was the subject of the US Supreme Court’s decision putting into place a strategy that was implemented in systems nationwide to truly integrate public schools. Although Charlotte City and Mecklenburg County had merged in 1960, residential segregation still posed a challenge to school integration. In *Swann v. Charlotte-Mecklenburg*, argued by our Center’s director, Julius L Chambers, the Supreme Court upheld a federal district court order to use student assignment and school transportation patterns to integrate schools.

Hugh McColl, Jr. (former CEO and chairman of Bank of America) offers insight in this era of North Carolina history “I believe public school desegregation was the single most important step we’ve taken in this century to help our children. Almost immediately after we integrated our schools, the Southern economy took off like a wildfire in the wind. I believe integration made the difference. Integration – and the diversity it began to nourish—became a source of economic, cultural and community-strength.”

III. The March Towards Resegregation

Merely three years after Swann, the first signs of our federal government’s gradual retraction from the goals of true integration began. In 1974, the Supreme Court limited use of busing in *Milliken v. Bradley*, a case from Detroit, Michigan, holding that busing could not be used beyond district lines without a showing of deliberate segregationist policies among multiple districts – this ruling placed a strong emphasis on local control of school districts, as well as refused to acknowledge the devastating effects of white suburban flight on quality of urban schools.

Yet in North Carolina and throughout the South, school integration was becoming a reality for a new generation of children. Much of the hard work of integration came from merging city (and largely minority) school systems, with county, predominantly white districts, like in Wake County in 1976. Merger was a strategy that recognized segregated housing patterns across counties and white flight from urban areas. By the 1980s, through combined efforts of federal, state and local government, school systems nationwide were predominantly integrated, with the bloody battles that were fought in the South reaping the most integrated schools in the country.

Then, the political and judicial climate changed, and both the Supreme Court and 4th circuit court of appeals began putting more boundaries in place to full integration. In 1992, the Supreme Court ruled in *Freeman v. Pitts* that once a school system remedied past segregation and was declared unitary, it was not required to correct for resulting new segregation trends due to forces outside the direct control of the school system. In 1999, two North Carolina race-conscious assignment plans were overturned by the courts. And the long standing Charlotte-Mecklenburg race-conscious plan was successfully challenged—CMS was declared unitary and the federal busing order was removed. At this point, Wake and Charlotte-Mecklenburg adopted different approaches towards student assignment-Charlotte moved to a system of neighborhood schools, while Wake adopted its current socio-economic diversity plan.

For the next decade, Southern schools quietly, yet steadily, resegregated. In 2003, diversity in higher education became a national focus as the Supreme Court held in its *Grutter* decision regarding admissions to University of Michigan Law School that diversity is a compelling state interest in higher education. However, in 2007, four years and two new justices later, the Court ended the use of race as a factor in developing student assignment in *Parents Involved in Community Schools v. Seattle School District No. 1* and *Meredith v. Jefferson County School Board* (Louisville KY, a system that was declared unitary in 2000 but still tried to maintain diversity in its schools), articulating that although diversity is important, racial balance is not a compelling state interest in K-12 public education. Despite the logical disconnect between how we expect our children to thrive in a diverse environment at 18, if they’ve spent years 0-17

in a homogenous environment, this decision was merely a legal nod toward the resegregation trend going on across the South for the previous decade.

IV. *Leandro* and beyond

We are now at a critical point for the quality of education in North Carolina. Although innovation is improving educational instruction in our state, questions loom about what constitutes a sound basic education—and as always, who has the access to a sound basic education.

The 15+ year *Leandro* litigation continues to shape our state's educational landscape. Originally filed by parents, students and school boards from low-wealth counties around issues of adequate educational funding, in 1997 and 2004 the North Carolina Supreme Court affirmed that every child in North Carolina has a constitutional right to “an equal opportunity to receive a sound basic education.” Following the 2004 decision, the North Carolina Supreme Court remanded authority to Judge Howard Manning in the Wake County Superior Court to oversee efforts by the North Carolina General Assembly and the Department of Public Instruction to ensure every child has access to a sound basic education. Many of Manning's target low-performing high schools are high poverty, racially identifiable schools. In 2007, CCR played a role in this case by representing black Charlotte students who have been denied a sound, basic education because of their assignment to high poverty schools.

The next frontier of *Leandro* and our state's interpretation of what constitutes a sound basic education comes this Monday, March 22, 2010 as the North Carolina Supreme Court hears oral arguments in the case of two Beaufort County students who were placed on long-term suspensions for a school yard fight, without an access to alternative education. For the first time, the state's highest court will consider the implications of long-term suspensions on North Carolina students and how they infringe upon the right to a sound, basic education.

Inevitably, Wake County will force us to ask the question is diversity is a qualitative component of a sound basic education? By the end of today's workshop, everyone here should realize the unequivocal answer to this question is YES.

The South is facing a new challenge with this trend in resegregation in the 21st century—traditionally, countywide rural school districts in the South had a high degree of racial integration; however, as economic growth urbanizes many areas of our state, population shifts change the demographics in others, and the urban areas of our state are facing the challenges to keep schools high quality, well resourced and diverse that northern districts have struggled with, largely unsuccessfully, for years. Despite the merger work of the 1970s, 80s and 90s, North Carolina currently has 115 school districts in 100 counties. Although an ongoing concern of the General Assembly of the existence of the non-county districts from a spending perspective, parents and advocates interested in the quality of education should be genuinely concerned about how the existence of these districts, and the worst case scenario creation of more, will result in schools that are segregated and isolated by race and class, depending on residential housing patterns and urban/suburban sprawl.

Wake is only one example of resegregation trends around the state. The North Carolina NAACP recently filed a Title VI complaint about segregation in Wayne County, which is currently under investigation by the Department of Education. Despite the fact that rural areas tend to be less segregated, and that Wayne County is one of the most diverse rural areas in eastern North Carolina, following an in-depth study of how neighborhood schools have been used to deliberately foster segregation. Halifax County currently has three racially identifiable school systems. New Hanover County recently approved a middle school student reassignment plan that will create high poverty, racially identifiable schools in Wilmington. A study released last month by the Civil Rights Project at UCLA finds that almost 1/5 of North Carolina's black students attend a traditional public school that is 90-100% minority.

Resegregation is not just a problem in our traditional public schools. The CRP study focused on charters as a tool for resegregation and racial isolation. Although the North Carolina Charter Act includes a diversity provision, this largely goes unenforced, and almost 50% of black charter students attend a 90-100% minority school, which should force us to consider how raising the state's charter cap impacts the diversity within our charter schools, and the impact on who is left in our neighboring traditional schools.

In conclusion, we must use the historical context to understand terms such as neighborhood schools, busing, and local control. School resegregation, the reemergence of racially identifiable schools and the creation (often intentional) of high poverty schools is a statewide issue; Wake County is merely a bell-weather for what will be acceptable for the rest of the state's educational policy. Student assignment has historically been used as a tool to interact with strategies to increase student achievement; where you go to school DOES impact the resources and influences available for each child. Education is only one tool towards true equity and integration in our society—perhaps in the next 50 years after *Brown*, our diversity strategies will move beyond our schools and workplaces and into our housing patterns, neighborhoods, communities and all aspects of our lives. Justice Marshall warned in *Milliken v. Bradley*, the beginning of the end for *Brown* progressivism: “Unless our children begin to learn together, there is little hope that our people will ever learn to live together.” Hopefully in the next 50 years, post-*Brown*, the question of “won't you be my neighbor?” will lead us to much easier answers.