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October 17, 2014

Via Email & U.S. Mail: catherine.lhamon@ed.gov

Catherine Lhamon, Assistant Secretary
Office of Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Re: OCR Complaint Nos. 11-10-1311 and 11-10-1313

Dear Assistant Secretary Lhamon:

We represent the Complainants in the above Title VI complaints, which were filed in September 2010. On December 17, 2010, October 17, 2011, February 27, 2012, November 18, 2013 and October 6, 2014, our colleagues at Advocates for Children's Services (ACS) of Legal Aid North Carolina provided you updated information showing increased racially discriminatory impacts from Wake County Public School System's (WCPSS) disciplinary actions. On January 7, 2011, March 16, 2011, October 3, 2011 and June 15, 2014 we supplemented the Complaint with new information, copies of which are attached hereto as Appendix A. We write now to provide further updated information pertaining to student assignment in WCPSS. Both this update, as well as ACS's update of last week, point to the urgent need for OCR to enforce Title VI in Wake County, North Carolina.

Since eliminating its diversity policy in 2010, WCPSS has steadily increased racial isolation of students. Since we filed our complaint over four years ago, we have brought to OCR's attention additional actions WCPSS has taken that have deepened the complained-of impacts. See Appendix A. We will further supplement this update with student achievement data when it becomes available for 2013-2014, which should be within the next month. We suspect that the discrepancies between student achievement in WCPSS's high-minority schools and the rest of the district have grown since we filed the complaint. We also believe that the achievement gap for African-American and Latino students is increasing in WCPSS.

The Wake County Board of Education revised its student assignment policy in 2012 to include proximity, stability, operational efficiency and student achievement as its four guiding principles. The achievement priority was purported to reduce concentrations of low-performing and low-income students in certain schools. The achievement principle would have served as a proxy for racial diversity. However, WCPSS has yet to apply that priority in practice. As recently reported by The News and Observer, Wake County’s newest student assignment proposal, albeit still in draft form, is aimed at “sending students to school near where they live, reducing how often children are moved and keeping schools full—but not on promoting diverse enrollments.” See copy of August 22, 2014 news article, attached hereto as Appendix B. The new plan, intended to fill four new schools and reduce overcrowding, will affect a small percentage of WCPSS students, mostly in the majority white attendance areas. However, it represents a continuing trend by the Board to ignore segregative impacts of student assignment decisions.

The first table below shows that non-white concentration in the schools addressed by our Title VI complaint has increased significantly since the complaint was filed.¹ When we filed the complaint four years ago, WCPSS reported that 48.9% of its total students were non-white.² In 2013-2014, the district reported only a slight increase in that percentage, to 50.9%.

School Name	2004 Minority %	2009 Minority %	2014 Minority %
East Garner Middle	66.2%	75.7%	78.9%
East Millbrook Middle	65.0%	78.7%	85.4%
East Wake Middle	62.9%	70.6%	83.2%
Moore Square Middle	55.0%	65.8%	71.7%
North Garner Middle	48.8%	56.4%	63.9%
Zebulon Middle	43.1%	59.4%	67.1%

The next table identifies all schools that have a high concentration of non-white students (over 75% in attendance) according to 2013-2014 data.³ When compared to the 2009-2010 data,⁴ we see increased isolation of non-white students in all but 6 of the 25 hyper-segregated schools.

¹ https://www.wcpss.net/about-us/our-students/demographics/reports/2013/race_ethnicity-2013.pdf

² <https://www.wcpss.net/about-us/our-students/demographics/reports/book09a.pdf>

³ https://www.wcpss.net/about-us/our-students/demographics/reports/2013/race_ethnicity-2013.pdf

⁴ <https://www.wcpss.net/about-us/our-students/demographics/reports/book09/VB-race.pdf>

School Name	% Minority 2009-2010	% Minority 2013-2014
Barwell Elementary	94.2%	93.3%
Brentwood Elementary	89.6%	90.7%
Bugg Elementary	89.7%	92.8%
Creech Road Elementary	80.2%	89.6%
East Garner Elementary	88.9%	90.4%
Forestville Road Elementary	72.3%	76.2%
Fox Road Elementary	83.8%	92.3%
Fuller Elementary	82.9%	89.4%
Green Elementary	59.0%	76.0%
Hodge Road Elementary	87.6%	92.2%
Kingswood Elementary	68.0%	75.9%
Knightdale Elementary	77.5%	87.0%
Poe Elementary	66.1%	78.2%
River Bend Elementary	81.9%	82.3%
Smith Elementary	85.8%	83.7%
Walnut Creek Elementary ⁵	97.1% (2011)	98.9%
Millbrook Elementary	29.7%	85.3%
Wilburn Elementary	80.9%	84.6%
Carnage Middle	78.0%	79.8%
East Garner Middle	75.7%	78.9%
East Millbrook Middle	78.7%	85.4%
East Wake Middle	70.6%	83.2%
Southeast Raleigh High	82.4%	91.7%
Longview School	92.2%	87.1%
Mary E. Phillips High School	96.4%	95.4%

The final table identifies schools that have high concentrations of white students (over 70% in attendance) according to 2013-2014 data.⁶ These data are compared with 2009-2010 data⁷ to measure their increased concentrations. Note that WCPSS reported that 48.9%⁸ of its students were white in the 2009-2010 school year, with only a slight increase to 49.1%⁹ in 2013-2014. All but 5 of the 16 majority-white schools increased isolation of white students in the four years since we filed our complaint.

⁵ This school opened for the 2011-2012 school year. http://www.ratioarchitects.com/assets/uploads/Walnut_Creek_Elementary.pdf

⁶ https://www.wcpss.net/about-us/our-students/demographics/reports/2013/race_ethnicity-2013.pdf

⁷ <https://www.wcpss.net/about-us/our-students/demographics/reports/book09/VB-race.pdf>

⁸ <https://www.wcpss.net/about-us/our-students/demographics/reports/book09a.pdf>

⁹ Data only available for 2012-2013 <https://www.wcpss.net/about-us/our-students/demographics/reports/book12.pdf>

School Name	% White 2009-2010	% White 2013-2014
Baucom Elementary	61.9%	70.3%
Brasfield Elementary	75.3%	72.9%
Brooks Elementary	59.7%	71.5%
Heritage Elementary	71.4%	79.1%
Holly Grove Elementary	74.7%	76.3%
Holly Springs Elementary	74.5%	72.9%
Jones Dairy Elementary	74.3%	77.6%
Lacy Elementary	66.8%	75.5%
Middle Creek Elementary	70.3%	73.6%
Oak Grove Elementary	73.0%	73.1%
Olive Chapel Elementary	75.1%	80.7%
West Lake Elementary	65.7%	71.0%
Willow Springs Elementary	73.8%	72.4%
Apex Middle	70.0%	70.8%
Lufkin Road Middle	73.2%	72.6%
Apex High	78.6%	74.0%

When reviewing these data in their proper context, one cannot overlook the segregative impact of the burgeoning charter school movement. While we understand that WCPSS has no control over charters, we believe it is OCR's responsibility to consider the full context of the obstacles to racial diversity in our schools. There are currently 19 charter schools operating in Wake County.¹⁰ See table attached hereto as Appendix C. According to student racial demographic information for those operating during the 2013-2014 school year, all but two are hyper-segregated by race. All but three of Wake County's charters are majority white. Not only are the charters hyper-segregated, but they also affect the demographics of the schools from which they draw students.

The above data, coupled with WCPSS actions over the last four years, make clear that OCR's intervention is long overdue. Almost a year ago, we were told that OCR's investigation was complete. However, there have been no findings issued nor, to our knowledge, any resolution attempted by OCR. We respectfully urge you to exercise your authority swiftly and hold WCPSS accountable for its obligations under the law your office is charged with enforcing

¹⁰ North Carolina DPI, Office of Charter Schools: <http://www.ncpublicschools.org/charterschools/schools/by-county/alphabet-county?range=UZ&&alpha1=U&&alpha2=V&&alpha3=W&&alpha4=X&&alpha5=Y&&alpha6=Z>. Student racial demographics are not available for the four charter schools that opened their doors in 2014.

Thank you for your time and prompt attention to this request. We are happy to discuss this further with you and provide further information at your request.

Sincerely,



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