

The Resegregation of Southern Schools?

A Crucial Moment in the History (and the Future) of Public Schooling in America



Julius L. Chambers
The UNC Center for Civil Rights



Erwin Chemerinsky
The University of Southern California



Charles T. Clotfelter
Sanford Institute of Public Policy, Duke University



Christopher Edley, Jr.
The Civil Rights Project at Harvard University



Ellen Goldring
Vanderbilt University



Helen F. Ladd
Sanford Institute of Public Policy, Duke University



Luis Laosa
Educational Testing Service



James Liebman
Columbia Law School



Gary Orfield
The Civil Rights Project at Harvard University



Roslyn A. Mickelson
The University of North Carolina at Charlotte



John A. Powell
University of Minnesota Institute on Race and Poverty



James Ryan
The University of Virginia School of Law



Amy Stuart Wells
Teachers College, Columbia University

August 30, 2002

The William and Ida Friday Center for Continuing Education

Chapel Hill, North Carolina

Sponsored By:

The Civil Rights Project at Harvard University

The UNC Center for Civil Rights

The North Carolina Law Review

The Thurgood Marshall School of Law at Texas Southern University



About the Conference

Sponsoring Organizations



The Civil Rights Project at Harvard University

The mission of The Civil Rights Project is to help renew the civil rights movement by bridging the worlds of ideas and action, and by becoming a preeminent source of intellectual capital and a forum for building consensus within that movement. After America's righteous successes a generation ago, chief among our mistakes, perhaps, was the false sense among many that racial progress is inevitable and easy. Those who know better must educate, persuade and lead others. Great universities share this duty. Recognizing these challenges, and understanding that contemporary civil rights problems defy easy answers, Christopher Edley, Jr. (Harvard Law School) and Gary Orfield (Harvard Graduate School of Education) founded The Civil Rights Project at Harvard University in 1996 to provide needed research and advocacy to policy makers, academics, and civil rights advocates.



The UNC Center for Civil Rights

The UNC Center for Civil Rights is committed to the advancement of civil rights and social justice, especially in the American South. It fosters empirical and analytical research, sponsors student inquiry and activities, and convenes faculty, visiting scholars, policy advocates, and practicing attorneys to confront legal and social issues of greatest concern to racial and ethnic minorities, to the poor, and to other potential beneficiaries of civil rights advances. The Center's work focuses on education, economic justice, employment, health care, housing and community development, and voting rights.

The North Carolina Law Review



The Thurgood Marshall School of Law of Texas Southern University

The core mission of the Thurgood Marshall School of Law is to provide a high quality academic legal training program to a diverse community of students who possess the potential to become outstanding members of the legal profession. Thurgood Marshall School of Law students receive thorough training in the fundamental principles of law, enabling them to practice not only in the State of Texas, but also throughout the United States.

Since the 1970s, no region of the United States has experienced more widespread public school integration than the American South. Broad racial desegregation in the South has been accompanied by a host of beneficial social and economic changes: substantial in-migration from other regions; increased housing integration; robust economic growth, especially in metropolitan centers; and greater progress than in any region toward the goal of closing the nation's black-white academic achievement gap.

Yet in the year 2002, even as the nation becomes ever more racially and ethnically diverse, it seems realistic to predict that, within the coming decade, most Southern schools may rapidly resegregate – by race and by socioeconomic class. Legal and social forces not fully understood are impelling these prospective changes, yet neither the root causes nor their vast social and political consequences have been adequately explored by scholars, public policy makers or educational advocates.

To begin that important work, we have assembled a remarkable group of thinkers and activists. Collectively, they bring decades of experience in research, scholarship, policymaking, and advocacy to this vital discussion. Attendees will hear the latest about the educational trends, the policy implications and possible agendas for public action.

Although school desegregation will be a central focus, we will not limit discussion to the effects of “unitary status” findings alone, *i.e.*, the termination of court-supervised desegregation plans. We will also reflect on the likely impact of the nationwide push for school accountability—and the decades-long fight for school resource reform—on the future of integrated public schooling.

More than 200 individuals, including scholars, civil rights advocates, policymakers, lawyers and school administrators, will attend this conference. In addition, a separate briefing for journalists on the new research presented at the conference will be held in conjunction with the University of North Carolina School of Journalism. This briefing will provide journalists with an opportunity to ask questions to the researchers directly about their studies, and to obtain important background information that will help them as they write their articles.

Please join us on Friday, August 30, in Chapel Hill for *The Resegregation of Southern Schools?*

When: 8:00 am – 5:30 pm
August 30, 2002

Where: The William and Ida Friday Center for Continuing Education
Chapel Hill, N.C.

Who Should Attend: Scholars in education, law and social policy concerned about public education and/or the changing demography of the American South; governmental officials with responsibility for educational policy; and lawyers and community advocates who are concerned about the direction of governmental and social policy in public education.

Program Costs and Benefits: The \$25.00 program fee includes a continental breakfast, lunch and all conference materials, including 18 papers and reports.

Friday, August 30, 2002

8:00 – 9:00 am

Registration and Continental Breakfast

9:00 – 9:15 am

Welcome and Purposes of Conference

Julius Chambers

Director, UNC Center for Civil Rights

Gary Orfield

Co-Director, The Civil Rights Project at Harvard University

9:15 – 9:55 am

FIRST PANEL: Do Southern Schools Face Rapid Resegregation? An Overview of Demographic and Legal Trends

Demographic Overview:

Trends in School Segregation in the South, 1987–2000

Sean Reardon, Pennsylvania State University

John Yun, The Civil Rights Project at Harvard University

School Segregation of Latinos in Texas

Luis Laosa, Educational Testing Service

Legal Overview:

Dennis Parker, NAACP Legal Defense & Educational Fund, Inc.

9:55 – 10:30 am

SECOND PANEL: North Carolina as a Bellwether for Other Southern States

Education's 'Perfect Storm?' Race and Class Resegregation, New Accountability Demands, Continuing Resource Inequities – The Case of North Carolina

Jack Boger, UNC Center for Civil Rights

Within-School Segregation: The Case of North Carolina

Helen Ladd, Sanford Institute of Public Policy, Duke University;

Stephen Smith, Winthrop University

Discussion/Q&As

10:30 – 10:45 am

Break

10:45 – 12:15 pm

THIRD PANEL: Does Racial or Class Segregation Adversely Affect Academic Achievement or School Quality?

Moderator: Christopher Edley, Harvard Law School

The Academic Consequences of Desegregation and Segregation: Evidence from the Charlotte-Mecklenburg Schools

Roslyn Mickelson, University of North Carolina at Charlotte

The Impact of Student Composition on Academic Achievement in High School

Russell Rumberger, University of California at Santa Barbara

Teacher Characteristics and Racial Composition of Schools in Georgia

David Sjoquist, Benjamin Scafidi and Catherine Freeman, Georgia State University

Ann Majestic, Legal Counsel to the Wake County (N.C.) Board of Education

Moderated Discussion

Q&As

Closing Thoughts

12:15 – 1:15 pm

LUNCH – Special Address

(CONTINUED)

1:15 – 2:20 pm

CONCURRENT FOURTH PANEL A: What Role Should Courts Play In Influencing Educational Policy?

Moderator: Former Dean John Brittain, Thurgood Marshall School of Law

Reconsidering the Role of District Court Judges in School Desegregation
Wendy Parker, University of Cincinnati School of Law

Shifting from Court-Ordered to Court-Ended Desegregation in the South: Student Assignment, Teacher Resources and Neighborhood Capacity
Ellen Goldring and Claire Smrekar, Vanderbilt University

The Limits of Social Science Evidence in Courts
Jim Ryan, University of Virginia School of Law

James Ferguson, Legal Counsel for African American Parents in *Swann v. Charlotte-Mecklenburg*

Moderated Discussion

Q&As

Closing Thoughts

1:15 – 2:20 pm

CONCURRENT FOURTH PANEL B: What Are the Likely Impacts of the Accountability Movement on Minority Children?

Moderator: Gary Orfield, Harvard School of Education

The Effect of the Standards and Accountability Movement on Parents
Amy Stuart Wells, Teachers College, Columbia University and Jennifer Jellison Holme, UCLA

Towards Desegregating Education
James Liebman and Charles F. Sabel, Columbia University School of Law

Using Title I to Compel States to Provide Equal Educational Opportunities
William L. Taylor, Acting Chair, Citizens Commission on Civil Rights

Norma Cantu and others (To Be Announced)

Moderated Discussion

Q&As

Closing Thoughts

2:20 – 2:30 pm

Break

2:30 – 3:50 pm

FIFTH PANEL: Does “Private Choice” Pose a Threat to Public Education? Southern Residential Patterns and Private Schools

Moderator: Professor James H. Johnson, Jr., UNC Kenan-Flagler Business School

Relationships Between Residential and School Segregation in the South, 1990-2000
Sean Reardon, Pennsylvania State University and John Yun, The Civil Rights Project at Harvard University

Have Private Schools Contributed to Southern Resegregation?
Charles Clotfelter, Duke University

The Impact of School Segregation on Residential Housing Patterns: Mobile, AL and Charlotte, NC
Erica Frankenberg, Teachers College, Columbia University

To Be Announced

Moderated Discussion

Q&As

Closing Thoughts

3:50 – 4:00 pm

Break

4:00 pm – 5:30 pm

FINAL SESSION: What Strategies Offer the Best Hope for Equal Educational Opportunities in Southern Schools?

Moderators: Jack Boger, The UNC Center for Civil Rights; Christopher Edley and Gary Orfield, The Civil Rights Project at Harvard University

A New Theory of Integrated Education
John Powell, University of Minnesota

A Cautionary Tale: The Failure of the Judicial Branch in Desegregation Cases
Erwin Chemerinsky, University of Southern California

Arthur Griffin, Jr., Chair, Charlotte-Mecklenburg Board of Education

Moderated Discussion

Q&As/Audience Discussion

Closing Thoughts

Conference Participants



John Charles Boger is a professor of law at the University of North Carolina School of Law, and is the deputy director of The UNC Center for Civil Rights. Professor Boger, a former assistant counsel with the NAACP Legal Defense & Educational Fund, Inc., has represented parties and *amici* in various school resource/finance cases in Connecticut and North Carolina.

John Brittain is the former dean of the Thurgood Marshall School of Law of Texas Southern University. A civil rights attorney renown for winning school desegregation decrees in Mississippi and crafting the *Sheff v. O'Neill* lawsuit in Connecticut, Brittain has written widely as a scholar on civil rights issues, served as national president of the National Lawyers' Guild and undertaken human rights investigations in Haiti, Northern Ireland, Nicaragua, Cuba, Puerto Rico and Mexico.

Julius Chambers is director of The UNC Center for Civil Rights. Chambers built the nation's premier civil rights firm in the 1960s and 1970s and successfully litigated *Swann v. Charlotte-Mecklenburg* and dozens of other Southern school desegregation cases. Chambers has also served as director-counsel of the NAACP Legal Defense & Educational Fund, Inc., and as chancellor of North Carolina Central University.

Erwin Chemerinsky is the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science at the University of Southern California Law School. He is one of the nation's leading constitutional scholars and a frequent author on constitutional topics including a definitive treatise, *Constitutional Law: Principles and Policies*.

Charles T. Clotfelter is the Z. Smith Reynolds Professor of Public Policy Studies and professor of economics and law at Duke University. He is also the director of the Center for the Study of Philanthropy & Voluntarism, and a research associate with the National Bureau of Economic Research. Clotfelter has written two books and many articles on issues of educational policy, including research on the public schools & race.

Christopher Edley, Jr. is a professor at the Harvard Law School and a co-director of the Civil Rights Project at Harvard. He served as assistant director of the White House Domestic Policy Staff in the Carter Administration, and as special counsel to the President and director of the White House Review of Affirmative Action in the Clinton Administration.

Erica Frankenberg is a doctoral student at Teachers College, Columbia University. She wrote her honors thesis at Dartmouth College in 2001 on the end of court-mandate desegregation in Mobile, Ala. She received her masters in education from the Harvard Graduate School of Education and is currently examining the relationship between residential and school segregation.

Ellen Goldring is a professor of education policy and leadership at Peabody College, Vanderbilt University. She conducts research on the organization and governance of schools and studies access and equity in public school choice. She is the co-author of *School Choice in Urban America: Magnet Schools and the Pursuit of Equity*, which focuses on questions of equity and community in urban school districts with extensive magnet school plans. Her other scholarly work focuses on the changing role of school leaders as the social contexts for schools become more complex and varied.

Helen F. Ladd is a professor of public policy studies and economics at Duke University and former director of Duke's Sanford Institute of Public Policy. Much of her current research focuses on education policy. From 1996–99 she co-chaired a National Academy of Sciences Committee on Education Finance. She is the editor of *Holding Schools Accountable: Performance-Based Reform in Education* and co-editor of *Making Money Matter: Financing America's Schools*.

Luis Laosa is a principal research scientist emeritus in the Center for Education Policy and Research at the Educational Testing Service in Princeton, N.J. Dr. Laosa's research includes such areas as children's intellectual learning and psychological development, and cross-cultural research. He is a prolific author and has been involved in numerous organizations dedicated to child development.

(CONTINUED)



For more information about the Conference or the UNC Center for Civil Rights:



On the Web:
<http://www.law.unc.edu/centers/civilrights>



By Phone
(919) 843-3921
8:30 a.m. – 5:00 p.m. Monday–Friday



By Fax
(919) 962-1277
Open 24 hours!



By E-mail
Stelljes@email.unc.edu



By Mail
UNC Center for Civil Rights
UNC School of Law
100 Ridge Road, CB# 3380
Chapel Hill, NC 27599-3380

You may also contact The Civil Rights Project at Harvard University at its website:
<http://www.law.harvard.edu/civilrights>

James Liebman is the Simon H. Rifkind Professor of Law at Columbia Law School. Professor Liebman has written widely on school integration, and is currently co-directing a national project to assess school accountability techniques. As an assistant counsel at the NAACP Legal Defense and Educational Fund, Liebman served as a lead counsel in the Kansas City, Missouri desegregation litigation.

Roslyn A. Mickelson is a professor of sociology at the University of North Carolina at Charlotte. Her recent articles include: “Subverting *Swann*: First- and Second-Generation in the Charlotte-Mecklenburg Schools” and “The Effects of Segregation on African American High School Seniors’ Academic Achievement.” Mickelson also served an expert witness in the *Swann v. Charlotte-Mecklenburg* school case.

Gary Orfield is a professor of education and social policy at the Harvard School of Education and the Kennedy School of Government. Professor Orfield is co-director of the Civil Rights Project at Harvard University, and has, for more than 30 years, been a leading expert on desegregation in public education. He is co-editor of many books and studies including *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*.

Wendy Parker is a professor of law at the University of Cincinnati School of Law. Professor Parker worked in the Civil Rights Division of the Department of Justice and has published several articles on education including her two articles: “The Color of Choice: Race and Charter Schools” and “The Future of School Desegregation.”

John A. Powell is the founder and executive director of the Institute on Race and Poverty, and the Earl R. Larson Chair of Civil Rights and Civil Liberties at the University of Minnesota Law School. The former national legal director of the American Civil Liberties Union, Powell is a nationally recognized authority in the areas of civil rights, civil liberties and issues relating to the intersections of race and poverty and how they affect U.S. society. He speaks throughout the country on related issues, including the benefits of regionalism, urban problems associated with sprawl, the negative effects of concentrated poverty, and the connections between housing segregation and segregation in education.

Sean F. Reardon is an assistant professor of education and sociology at Pennsylvania State University. His research focuses on issues of racial and socioeconomic stratification and segregation in U.S. society and the consequences of this stratification for adolescents.

Russell W. Rumberger is a professor of education at the University of California, Santa Barbara. He has published widely on education issues, with recent research focused on school dropouts, school mobility and educational underachievement of minority students. His recent works include *Student Mobility and the Increased Risk of High School Drop Out* and *The Distribution of Dropout and Turnover Rates among Urban and Suburban High Schools*.

James E. Ryan is an associate professor at the University of Virginia School of Law and will be a visiting professor at Yale Law School in 2002–03. He has written extensively on education and school desegregation, including: *The Supreme Court and Public Schools*; *The Influence of Race in School Finance Reform*; *Schools, Race, and Money*; and *Sheff, Segregation, and School Finance Litigation*.

Benjamin Scafidi is an assistant professor of economics and public administration/urban studies in the Andrew Young School of Policy Studies at Georgia State University. He has recently served on the staff of the Governor’s Education Reform Study Commission for the state of Georgia. His research interests include education and urban policy.

William L. Taylor is the acting chair of the Citizens’ Commission on Civil Rights. Long involved as a lawyer in school desegregation cases – from the Little Rock Central High School case in the 1950s to successful metropolitan school desegregation efforts in St. Louis and Wilmington, Del. – Taylor has also taught law at Catholic University and Stanford University, and is the former staff director of the U.S. Commission on Civil Rights. He currently practices law in Washington, D.C., and is an adjunct professor of law at Georgetown Law School.

Amy Stuart Wells is a professor of sociology and education at the Teachers College/Columbia University. Her research and teaching interests include the sociology of education and critical qualitative policy analysis. Of special interest are educational policy issues pertaining to the politics of race and culture, including school desegregation, school choice, and detracking in racially mixed schools.

John T. Yun is a research assistant at The Civil Rights Project at Harvard University. He is a doctoral candidate in education policy research at the Harvard Graduate School of Education. His research focuses on issues of economic equity in education, specifically patterns of school segregation, educational differences between private and public schools, and the effect of high stakes testing and funding on educational outcomes.

General Information

Accommodations

The following hotels are located in Chapel Hill, within a few miles of The Friday Center. Reservations should be made directly with the hotel.

Best Western University Inn
Highway 54 East-Raleigh Rd.
(919) 932-3000 or (800) 528-1234

Days Inn
1312 N. Fordham Blvd.
(919) 929-3090 or (800) 221-2222

Hampton Inn
1740 US Highway 15-501
(919) 968-3000 or (800) 426-7866

Holiday Inn
1301 N. Fordham Blvd.
(919) 929-2171 or (800) 465-4329

Sheraton Chapel Hill
1 Europa Dr.
(919) 968-4900 or (800) 325-3535

The Siena Hotel
1505 E. Franklin St.
(919) 929-4000 or (800) 223-7379

Conference Location

“The Resegregation of Southern Schools?” will be held at The William and Ida Friday Center for Continuing Education, located approximately three miles east of the UNC-Chapel Hill campus on Friday Center Drive, just off Highway 54 East (Raleigh Road). The Friday Center is located approximately 17 miles from Raleigh/Durham International Airport and has ample parking. A map will accompany the registration confirmation. During the conference, messages for conference attendees can be left at (919) 962-3000 or by fax at (919) 962-2061. Please refer to “The Resegregation of Southern Schools?” when calling or faxing to a conference participant.

Registration Fee

The registration fee is \$25 and includes a continental breakfast, breaks, lunch and conference materials. To register for “The Resegregation of Southern Schools?”, please fill out and detach the registration form included in this brochure and return it to the School of Law with your payment

of \$25. VISA and MasterCard are accepted. If paying by check, please make the check payable to “**UNC School of Law.**” The last day to register is **August 15, 2002.** To check space availability, please contact the UNC Center for Civil Rights before August 15 at (919) 843-3921 or stelljes@email.unc.edu.

Cancellations

Cancellations received prior to **August 15, 2002**, will be honored and fees refunded. In fairness to all attendees, confirmed participants who do not cancel by August 15 and who do not attend the program are liable for the entire fee unless other arrangements have been made with Allison Stelljes, program coordinator for the UNC Center for Civil Rights. She can be reached at (919) 843-3921 or stelljes@email.unc.edu.

Questions

If you have any questions, contact Allison Stelljes, program coordinator for the UNC Center for Civil Rights, at (919) 843-3921 or stelljes@email.unc.edu.

The Resegregation of Southern Schools?

August 30, 2002

Registration Form

Please provide us with the following information (please print):

Name: ☐ Mr. ☐ Ms. ☐ Mrs. _____

Firm/Company: _____

Address: _____

City, State, Zip: _____

Phone: () _____ Fax: () _____

E-mail address: _____

Name as you would like it to appear on nametag: _____

☐ I prefer a vegetarian lunch.

Payment Information

Program Fee: \$25.00

To Pay By Check:

Please send your registration form and a check for \$25.00 made payable to the UNC Center for Civil Rights (please no staples) to: UNC Center for Civil Rights, CB# 3380, Chapel Hill, NC 27599-3380, ATTN: Allison Stelljes

To Pay by Credit Card:

Please provide us with the following information: ☐ MasterCard ☐ VISA

Number: _____ Expiration Date: _____

Signature: _____

You May Register:



By Fax
with a credit card number
(919) 962-1277
VISA and MasterCard Only



By Mail
Return the Registration Form to:
UNC Center for Civil Rights
CB# 3380, Chapel Hill, NC 27599-3380
ATTN: Allison Stelljes



The University of North Carolina at Chapel Hill
CB #3380, Van Hecke-Wettach Hall
Chapel Hill, NC 27599-3380

Non-Profit Org.
U.S. Postage
PAID
Permit No. 177
Chapel Hill, NC