



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE**

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Immediate Release
December 1, 2009

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**Press Statement by Rev. Dr. William J. Barber II, State NAACP President
and National Board Member**

NAACP v. Board of Education, Wayne County, N. C.
Pursuant to Title VI of the Civil Rights Act of 1964

Filed simultaneously in the Office of Civil Rights, U.S. Department of Education
And the Civil Rights Division of the U.S. Department of Justice
The 1st day of December 2009, the 54th Anniversary of Mrs. Rosa Parks,
Secretary of Montgomery, AL NAACP Branch, Challenge of Jim Crow
By National NAACP, Ben Jealous, President
National Legal Counsel Angela Ciccolo
North Carolina NAACP, Dr. William J. Barber, President
Mrs. Amina J. Turner, Executive Director
Goldsboro-Wayne County NAACP Branch, Ms. Sylvia Barnes, President
State Legal Redress Chairs Attorney Al McSurely and Irv Joyner

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a

recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination.

(Raleigh, NC) Today on Dec. 1 2009, 55 years after Brown vs. Board of education, 54 years to the exact date that Rosa Parks sat down and refuse to abide any longer by the unconstitutional and immoral laws of Jim Crow and segregation, in a coordinated action with National NAACP, the North Carolina State Conference of the NAACP, and the Goldsboro-Wayne County, are formally filing and submitting simultaneously this **Title VI Civil Rights** complaint to the Office of Civil Rights of the United States Department of Education, and the Civil Rights Division of the U.S. Department of Justice.

This action comes after years of talking, good faith efforts, attempting to get the Wayne County Public Schools to end its patterns of policies that have resulted in the creation of extreme resegregation and a district of apartheid education within what is supposed to be a unified one county school system. For more than two years our researchers and legal counsel have look at the data, patterns, and harm produce by the policies of the Wayne County School system and we have concluded, alleged, and believe in good faith, “that the practices and policies alleged in our complaint, are intentional, they are carried out with the knowledge of Respondent Wayne County School Board, Inc. (“WCSB”), and they have adversely impacted, and will continue to adversely impact, members of the Complaining Class. Specifically, the practices complained of herein have and, if not reversed, will continue to result in:

- *Lower graduation rates for African Americans and other students of color;
- *Higher drop out rates for African Americans and other students of color;
- *Higher suspension rates for African Americans and other students of color;
- *More and meaner discipline for African Americans and other students of color;
- *Lower grade point averages for African Americans and other students of color;
- *Lower college entrance rates for African Americans and other students of color;
- *Lower *college ambition* rates for African Americans and other students of color;
- *Lower gifted and talented participation by African Americans and other students of color;
- *Higher placement of students of color in “special” self-contained classrooms;
- *And other well-recognized indices of structural and individual racially discriminatory school practices

We file this complaint on behalf of all children assigned to the Goldsboro, N.C. Attendance District described in the complaint, and all other children in the Wayne County Schools who are deprived of constitutional education by the policies and practices of the Wayne County School Board. The Complaint alleges Wayne County Schools (WCS) has established and carried out the policies and practices described herein and that other private and public entities in Wayne County and the State, also recipients of federal funds, have encouraged, subsidized and otherwise supported the WCS in implementing these practices and policies. Because of the complex and historical nature of the zoning, lending, planning, hiring, teacher placement, student placement, school placement and other policies that have directly and indirectly caused the re-segregation and other practices that adversely impact the complaining class, we respectfully request the CRD’s direct participation, in coordination with the OCR’s investigation, in determining the participation of municipal, state and federal entities (including Seymour

Johnson Air Force Base—the major employer in Wayne County), all recipients of federal funds, in the discriminatory practices alleged herein.

The Wayne County Public School System is the 19th largest in the state and serves about 19,000 students. The break down is 48% Caucasian, 43% African-American, 6% Hispanic, 2% Asian and less than 1% Indian. It operates 36 schools, broken up into 6 districts. The smallest district has 6 schools. This District, which is one part of the city limits of Goldsboro, serves 2,100 students-- 99.9% of whom are African-American and 94% of whom receive Free/Reduced lunch. In essence, Goldsboro, North Carolina is 50/50 black and white in its census with an integrated City Council, an integrated Air Force base, and a 100% re-segregated school attendance district. This small, virtually all-Black District contrasts with the largest District, which has 5 schools, serves 5,000 students, 90% of whom are Caucasian and only 36% of whom receive Free/Reduced lunch.

Wayne County is in Eastern North Carolina, about 50 miles southeast of Raleigh and 89 miles north of Wilmington. So, in essence less than 45 minutes from the State Capital our tax dollars are supporting a school a system that has created a pre-1954 school system in 2009.

Our research has shown the following, which are a summary of some of the legal rational for this complaint:

1. Great disparities exist in the rate of children who are poor, as measured by FRL, in the predominantly “White Districts” as compared to the Goldsboro [“Black”] District;
2. Great disparities exist in the rate of children who are suspended in the predominantly “White Districts” as compared to the Goldsboro [“Black”] District;
3. Great disparities exist in the rate of children’s test scores in the predominantly “White Districts” as compared to the Goldsboro [“Black”] District;
4. Great disparities exist in the rate of children’s graduation rates in the predominantly “White Districts” as compared to the Goldsboro [“Black”] District;
5. On information and belief, great disparities exist in the rate of children’s aspirations in the predominantly “White Districts” as compared to the Goldsboro [“Black”] District;
6. On information and belief, the Goldsboro [“Black”] District has lower ratings in almost every reportable category.
7. The Wayne County Board of Education through exclusionary policies, gross neglect, indifferent attitudes, and failure to take corrective actions, has caused and will continue to cause grave and immeasurable harm to all African-American students in Wayne County, and particularly to those in the Goldsboro [“Black”] District, because this District has been stereotyped and then become a District of *Racially Identifiable Schools*, as alleged herein:
 - a. The Goldsboro Attendance Area District has 2100 students.
 - b. Only 4 students identify themselves as Non-African-Americans, or less than .1 %

- c. The five individual schools and the Goldsboro attendance district as a whole represent the most racially identifiable schools and district in the entire state of North Carolina.
- d. These schools have long been labeled the “Black Schools” and/or the “Schools for the Blacks [or more hurtful nouns].”
- e. These labels, which are accurate, are well known in the entire Wayne county community and they are an insult to some, an embarrassment to some, tolerated by some, and ignored by too many.
- f. At a recent Goldsboro City Council meeting a white male Council member acknowledged this fact during a Council meeting, by asserting the root cause of These Schools’ problems are “They are all black and poor.” His comments were published in the local newspaper, followed by an editorial that suggested elected officials should take action.
- g. The Wayne County School Board (“WCS”) is fully aware of the “Black District.” The Board has refused to re-district the 50-year-old county school attendance maps.
- h. WCS initiated a policy of allowing open-door school transfers for students that can provide their own transportation that disproportionately benefited white middle and upper class students.
- i. WCS initiated a policy restricting sports participation for one year for all transfer students, which punished African-American student athletes who transferred from Goldsboro High School, and greatly reduced the number of voluntary transfers.
- j. WCS redistricted “certain streets” that allowed white middle and upper class students to be in a white majority school attendance area.
- k. Only 30% of the students who reside in Goldsboro attend the Goldsboro Attendance Area District Schools. Most Goldsboro students travel further and longer on school bus rides to attend other school attendance areas.
- l. Seymour-Johnson Air Force Base students travel 8 miles to Eastern Wayne High Schools, driving past Goldsboro High School, which is only 2 miles from the Base.

8. Evidence of Race-Based Intentionality By Respondent Wayne County Schools:
- a. Withholding Title I Resources: Title I funding is available for schools that serve students at-risk from economically challenged households. The specific uses for the funds are outlined by law. Title I funds are additional funds to the regular state and county funds, made available specifically to help “at-risk students” attending “at-risk schools.” Goldsboro High School, a majority African-American high school has for over 20 years been identified as such a school. In recent history, Goldsboro High School received Title I funding (i.e. Title I School) for school years 1999-2000, 2000-2001 and 2001-2002. Goldsboro High School has not received Title I funding since 2002-3, which coincides with the passage of the *No Child Left Behind Act* in 2002. Goldsboro High School has been deprived of an additional \$3 million that was earmarked to meet the educational needs of its at-risk students. In 2007-8, Goldsboro High School’s had 78% free/reduced lunch student population. Title I laws mandate that schools with 75% FRL must accept Title I funding or the county must provide matching additional funds. The annual entitlement for the school is \$350,000 - \$400,000. There is no evidence that either has taken place at Goldsboro High, a violation of Federal law.
 - b. The Wayne County School Board has undermined the rights of students that attend Goldsboro High School, and parental rights, under the provision of *No Child Left Behind Act, 2002*, including, but not limited to: the right to transfer to a better performing school, the right to know the qualifications of teachers, the right to receive tutoring services, and other empowerment provisions under the Act. Because WCSB has withheld Title I funding, these rights were violated. The NCLB Act was specifically created to help students and their parents affected by schools like Goldsboro High School.

- c. WCPS has been cited in a statewide case known as Leandro which examined, under the state's constitution, disparities in public education based on class and found NC wanting. Specifically, Superior Court Judge Howard Manning, Jr. in a 2006 letter warned that 19 high-priority schools would not be allowed to open under the same leadership in 2006 if they didn't show improvement. Goldsboro High Schools is one of those schools. In his March 3 letter, Manning warned that if any of the high-priority schools' "performance composite scores for the previous four (4) years are also at 55%, or below, then and in such an event that high school **would not be allowed to open** in the fall of 2006 unless there is (a) new management in place approved by the State Board of Education, and (b) a valid plan underway, approved by the State Board of Education, to redesign the high school with an instructional design for a 21st Century High School and a staff committed to implementing that change." Goldsboro High was cited in this order. And, as recent as October 2009 leadership changes were made at the school because WCPS had not rendered sufficient change and still remains under judicial supervision.
- d. In a news paper article during the last year the past chairman(white) of the WCPS Board was quoted as suggesting, in an open meeting, that a decision of the WCPS to move all alternative schools students into the central attendance district ought to make those of us interested in diversity happy. This kind of flagrant dismissal of the seriousness of the substantive disparities in the WCPS and the lack of response by even the black elected members reveals not only a denial but a more determined unwillingness to deal with the issues of injustice and truly correct the problem.

The totality of the policies and practices complained of herein are unmatched by any other attendance district in North Carolina. The WCSB's malicious conduct towards African-American students has caused White and Black citizens and elected officials of good will to speak out against the school board. But there is a social/political/cultural log-jam. Only the intervention of federal education experts, who can create a critical mass of public support for a creative educational program for all our children, can break this log-jam. We seek the following remedies, and other remedies, which national experts may propose, as the basis for reconstructing Wayne County public education.

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