

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
OLD WASHINGTON DIVISION

No. 6:69-CV-702-H(2)

JUVENILE MALE 1, a minor by)	
His mother and next friend,)	
Ula Edwards,)	
)	
Plaintiff,)	
v.)	STATEMENT OF THE PITT
)	COUNTY COALITION FOR
THE GREENVILLE CITY BOARD OF)	EDUCATING BLACK CHILDREN
EDUCATION, public body)	IN SUPPORT OF THE SCHOOL
Corporate, et al.,)	BOARD'S DIVERSITY
)	POLICIES
Defendants.)	
)	

This Memorandum is submitted on behalf of Pitt County Coalition for Educating Black Children in support of the Pitt County Board of Education's 2005 student assignment plan.

STATEMENT OF SUPPORT FOR THE SCHOOL BOARD

On or about October 24, 2005 the Pitt County Board of Education adopted a student assignment plan that included consideration of neighborhood demographics to address the racial isolation in the J.H. Rose Attendance Area. The approved plan was scheduled to be implemented during the 2006-2007 school year. The elementary school age population in the J. H. Rose Attendance Area consists of approximately 70 percent Black and 30 percent White students. There are five elementary schools in the J. H. Rose Attendance Area including Elmhurst Elementary School, Eastern Elementary School,

Wahl Coates Elementary School, South Greenville Elementary School, and Sadie Saulter Elementary School.

At the time the Pitt County Board of Education approved its 2005 student assignment plan, Sadie Saulter's student population of 404 students was racially segregated (approximately 97 percent Black with the remainder primarily consisting of other minorities). During the 2005-2006 school year, no White students were reported to be included in the number of tests administered under the ABC's End of Grade Test. Sadie Saulter achieved approximately 54 percent of its Adequately Yearly Progress (AYP) under the federal No Child Left Behind Act during the 2005-2006 school year as compared to 95 percent or above for the other four elementary schools. About 24.6 percent of Black students at Sadie Saulter passed both the reading and math "End of Grade" tests. Passing rates on End of Grade tests for Black students in the other J. H. Rose Attendance Area elementary schools were as follows: Elmhurst 39.7 percent; Eastern 47.8 percent; Wahl Coates 47.6 percent; and South Greenville 39.4 percent. In Pitt County Schools district-wide, 36.7 percent of Black students passed the math and reading EOGs, and the State passage rate for Black students was 40.0 percent. Thus, Black students at Sadie Saulter scored 12.1 points below the Pitt County School District average and 15.4 points below the State average. (Source: NC School Report Cards 2005-06 School Year).

Sadie Saulter 2005-2006 school year performance data demonstrated that Black children at that school were significantly under-achieving all other Black elementary

school students in the J. H. Rose Attendance Area and throughout the entire District.¹ In 2004, the Pitt County Board of Education voted to completely segregate Sadie Saulter as a willful and intentional act. In the 2005-2006 school year, Black students were the victims of *de jure* segregation imposed by the Pitt County Board of Education with Black Pitt County School Board Member Ralph Love making the motion to adopt the segregation plan and Black Pitt County School Board Member Michael Dixon providing the Second for the motion.² No motions were made to assure that Sadie Saulter obtained an equitable share of resources.

During the 2005-2006 school year Sadie Saulter had assigned to it a proportionally lower number of teachers with National Board Certification, teachers with advanced degrees, and teachers with longevity and experience. Because senior and highly credentialed teachers receive the highest salaries, Sadie Saulter received significantly fewer dollars of public funds per student. Sadie Saulter was disproportionately overcrowded, had significantly less heated square feet of building space per student, and had significantly less total acres of land per student. As Sadie Saulter students were racially segregated and discriminated against in the allocation of resources to the school, the Black children at Sadie Saulter were being willfully and intentionally impaired for life

¹ Sadie Saulter's Black students underperformed as compared to all other Black elementary school students throughout the Pitt County School District with the exception of Pactolus Elementary School. Pactolus 2005-2006 test taking population was 74 percent minority with 60.3 percent Black. Pactolus was under-resourced.

² It should be noted that Sadie Saulter was already segregated and had only a nominal number of White students at the time of the 2004 vote. This nominal number of White students were moved to Creekside Elementary. Sadie Saulter has had a consistent segregation problem.

by the policies of the Pitt County Board of Education in violation of their equal protection rights under the United States Constitution. Sadie Saulter's students' right to a sound basic education was further being denied under the North Carolina Constitution.

At the same time that Sadie Saulter with its 98 percent Minority/95.1 percent Black and 94 percent economically disadvantaged student population was being under-resourced, while Elmhurst 60.4 percent White student population with its 30 percent economically disadvantaged student population was being over-resourced.³

On July 7, 1970, in an order by the Honorable John D. Larkins, Jr., United States District Judge, the Court indicated that Sadie Saulter Elementary School was a segregated Black school and ordered that it be desegregated to reflect a racial balance that approximated the balance of the school age population. Since the 1970 Order, the Board(s) of Education have not successfully desegregated Sadie Saulter. There has been a sustained level of resistance to desegregating Sadie Saulter by elements of the White community since the 1970 Court Order.⁴

Black students experienced physical assaults, threats of violence, and intimidation by White students, White parents, and White teachers in both Greenville City Schools and Pitt County Schools from the time of the original desegregation orders, including during

³ Sadie Saulter had only one National Board Certified Teacher as compared to Elmhurst's five. About 76 percent of Sadie Saulter's teachers had 4+ years of teaching experience and 54 percent with 10+ years of experience. At Elmhurst about 91 percent of teachers were 4+ and 75 percent were 10+. Sadie Saulter had a 23 percent teacher turnover rate as compared to 6 percent at Elmhurst. Pitt County Board of Education Policy authorizes the Superintendent to make teacher assignments.

⁴ It should be noted that Agnes Fullilove School was 97.98 percent Black during the 1986-87 school year and 95.74 percent Black in the 1990-91 school year. Formerly located in the Black community, the Pitt County Board of Education subsequently closed Agnes Fullilove School instead of integrating it.

the 1986 merger. Greenville City Schools is reported to have lost 380 students through the 1977-78 school year due to White flight from the Greenville City Schools. For this reason, Greenville City Schools were subsequently underutilized (by 900 students in the 1983-84 school year) while Pitt County Schools were overcrowded. The distribution of White and nonwhite students in the Greenville City Schools as of April 1983 was 44 percent White and 56 percent nonwhite as compared to 64 percent White and 36 percent Black in 1970.

White enrollment declined by 20 percent in the Greenville City Schools between 1970 and 1983. (Sources: Research Triangle Institute, Center for Educational Research and Evaluation FINAL REPORT: A Merger Feasibility Study: Greenville City and Pitt County (North Carolina) Schools; Prepared for the Board of Commissioners of Pitt County, September 1983. See Also: The 1970 Order by the Honorable John D. Larkins, Jr., United State District Judge).

The Pitt County Board of Education placed an Academically Gifted Program at Sadie Saulter which served students from several schools in an effort to increase White enrollment. In 1990-91, Sadie Saulter's White population was artificially increased to 28.04 percent and 42.18 percent when the Board placed White students in a contained Academically Gifted Program (thereby replicating segregation but this time *within* the school walls). The program was short-lived and Sadie Saulter was again a segregated school. (See: Pitt County Schools Survey Report 1991-92, conducted by N.C. Department of Public Instruction).

From about 1971 through at least 1995 Pitt County Schools (including Greenville City School's until 1986) subjectively segregated Black students by placing them in

“Ability Groups” within those schools that were purported to be desegregated. Substantial numbers of Black children were subjectively classified as Educable Mentally Retarded while a substantial number of White children were subjectively classified as Gifted and Talented in both the Pitt County School and Greenville City Schools before the merger. A California Court and the U.S. Department of Education later found the IQ Testing being used to help make these determinations was culturally biased.

From 1970 through 2005, Black children in Pitt County Schools have consistently been the victims of racism and poverty stricken Black Parents have been systematically excluded from participation in the schools.

In 2005, the Pitt County Board of Education finally took a step in the right direction and voted to address the racial isolation at Sadie Saulter School in an effort to stop the deprivation of Black students’ equal protection rights under the United States Constitution, and to stop the irreparable damage being done to Black students at Sadie Saulter. Further, in 2006, Pitt County Schools (with the East Carolina University, College of Education, the Pitt County Memorial Hospital Foundation and other partners in Pitt County) acknowledged that a mono-cultural curriculum and instructional program and mono-culturally trained teachers have measurably interfered⁵ with the ability to reduce achievement gaps between Black and White students and resulted in disparate discipline rates, disparate drop out rates, and lower SAT scores for Black students. Accordingly, Pitt County Schools has begun sponsoring teacher training in Culturally Responsive Teaching

⁵ Under the ABC’s Accountability Program and the No Child Left Behind Act school administrations can identify teachers who are impairing students by comparing their student’s performance to other teachers with similar students.

Program for Pitt County School Teachers and has proposed a diversity policy. This effort must be sustained to realize any impact.

Under the dual system, public schools were racially segregated by law. The programs of curriculum and instruction were structured upon a mono-culture of White supremacy mythology and White privilege. Teacher education included being indoctrinated into the mono-culture of White supremacy and White privilege. The Pitt County Coalition for Education Black Children asserts that it is critical for all students to benefit from a racially integrated education which has confronted notions of Black student inferiority. Only in this way will Pitt County Schools redress historically low performance expectations of Black students, the disproportionate discipline of Black students, and the failure of teachers to produce positive academic results with Black students.

Recent surveys by the Pitt County Coalition for Educating Black Children indicate that Black students continue to be taught that “Columbus Discovered America” despite the clear and uncontroverted evidence that Columbus documented his observation of Africans in the so-called New World who had arrived in ships from Africa and who were engaged in routine trade with Native Americans. This subject is not framed in a multicultural context as it should be by Pitt County School teachers. Black contributions to the American Revolution, the Civil War, and roles as inventors and scientists, amongst other professions, have been completely omitted or only marginally treated in the curriculum and instructional program. Black contributions to math, science, language arts, and the social sciences are omitted or marginalized. This phenomenon exists because teacher training

has not significantly progressed and most teachers themselves are the victims of the artifact of a mono-cultural education.

Black Psychologist have maintained for many years that Black children suffer ethnic identity development crisis in the public schools because they experience racial encounters in public schools but public schools do not provide a curriculum and instructional program that validates their cultural and ethnic identity. School disruption, low performance, and Black students failure to participate is an unconscious form of protest to being denigrated everyday by mono-cultural teachers who can only relate to White middle class students and text books, classroom decorations, and other school decorum that denigrate their cultural and ethnic heritage and language subgroup. Most public teachers are White middle class females that cannot relate.

Culturally Responsive Teaching acknowledges the role that the ethnic identity of all students contributes to their educational readiness regardless of race and ethnicity. Culturally Responsive Teaching is not a “Program,” it is a Professional Standard that all teachers who teach diverse student populations must be required to achieve as part of their professional development. It is well established that effective teachers establish rapport with students in the educative process by acknowledging students worth and using students’ culture as a foundation to sustain the educational transaction between teacher and student. Statewide in North Carolina, for third through fifth grade, Asians out perform all other students on the EOG Test (Source: NC Schools Report Card 2006-2007) with about 81 percent passing both reading and math. White students rank second with about 75.9 percent passing both tests. Ranked third is Multi-Racial students with 64.7 percent.

Ranked fourth is Hispanic students with 52.5 percent. Ranked fifth are Native American students with 50.5 percent. Ranked sixth are Black students with 43.5 percent passing both reading and math EOG Tests. Culturally Responsive Teacher training and implementation of a comprehensive teacher training policy is needed to create equity in public education. Asian students do not out perform White students because White students are inferior just as White students do not out perform Hispanic, Native American, Mixed-Race, and Black students because of any innate differences. The problem is that U.S. Educational policy, curricula and instructional methods, and teacher training developed under a dual system where White supremacy and a White privilege mono-culture became the operative educational modality. Public education was designed for White students only. Today diversity is the population norm. The White supremacy White privilege mono-culture is a vestige of *de jure* racial segregation and has no place in the modern social order.

Pedagogy experts like Dr. Geneva Gay, Professor of Education at the University of Washington-Seattle have stated that students' potential for learning is highest when levels of student readiness, curriculum materials, and instructional processes are congruent. (See: Geneva Gay, *Implications of Selected Models of Ethnic Identity Development for Educators*, Journal of Negro Education, Vol. 54, No. 1 (1985). The Pitt County Coalition for Educating Black Children has found that many Pitt County school teachers who serve a diverse student population lack the ability and knowledge as teachers to utilize diverse teaching methods to cover all students' learning styles in their classrooms. Black students continue to be the victims of a mono-cultural curriculum and instructional program that

results in Black student under-achievement. Under the present system Blacks, Hispanics, American Indians, and Mixed Race individuals are denied equal protection of the law.

French, Seidman, Allen, and Aber, in discussing the role of Ethnic Identity Development in the school context, state that “once adolescents leave the safety and security of their neighborhood and neighborhood school and are faced with many persons who look and act very different from persons of their own ethnic group, ethnicity becomes salient...” (See: French, Seidman, Allen, and Aber (2006), *The Development of Ethnic Identity During Adolescence*, Developmental Psychology 2006, Vol 42, No. 1, 1-10.). There are compelling reasons to promote and maintain diversity in the public education system as early as possible. Viewed in its broad historical context the present negative pathologies that exist in the Black community are normal responses to sustained victimization and will only be corrected by sustained governmental action or a radical transformation of the existing power structure.⁶ In the case of Pitt County Schools, Blacks have been awaiting racial justice for the past 38 years from the promise of the 1970 federal Court Order by Judge Larkin. That promise has not yet been realized.

⁶ It is significant that the North Carolina Legislature, during its 2007 session, passed a Joint Resolution by more than a two thirds majority expressing profound regret for the history of wrongs inflicted upon Black citizens by means of slavery, exploitation, and legalized racial segregation and calling on all citizens to take part in acts of racial reconciliation.

North Carolina General Assembly, Resolution 2007-21, Senate Joint Resolution 1557 Section 2. The General Assembly urges schools, colleges, and universities, religious and civic institutions, businesses and professional associations to do all within their power to acknowledge the transgressions of North Carolina's journey from a colony to a leading State, to learn the lessons of history in order to avoid repeating mistakes of the past, and to promote racial reconciliation.

Since the 1970 Order, Pitt County Schools has spent less on Black students, isolated Black students under the pretext of achievement groupings, failed to integrate its teaching staff, closed schools in Black neighborhoods rather than desegregate them, and denied Black students equal access to senior teachers with advanced degrees or National Board Certification.

The Pitt County Board of Education was making some effort to address these historic injustices when in 2006 a group of White Parents, following the Pitt County tradition, organized under the auspices of the Greenville Parents Association and effectively boycotted the desegregation of Sadie Saulter and filed a civil rights complaint with the U.S. Department of Education, Office of Civil Rights alleging that a White student suffered discrimination by being assigned to Sadie Saulter. Greenville Parent Association leaders have publicly stated their belief that assigning students within the J. H. Rose Attendance Area to achieve roughly 70 percent Black and 30 percent White would “destroy” all other city elementary schools. The reference was to Elmhurst which was a racially identifiable White school with 60.3 percent White student population that was designated as a School of Distinction by the N.C. Department of Public Instruction. Elmhurst had a low percentage of Blacks, low free and reduced lunch population, five Nationally Board Certified Teachers as compared to Sadie Saulter’s one, and 21 percent more teachers with 10+ year of teaching experience, and a significantly lower teacher turnover rate than Sadie Saulter.

The argument for neighborhood schools presented by the Greenville Parents Association was designed to preserve White segregated schools like Elmhurst and White

privilege. All five elementary school within the J. H. Rose Attendance Area are within 2.5 miles of each other. For most students, the travel distance is equal to any of the schools, about 8 minutes. The vast majority of these students would be car riders or ride a bus even if the Greenville Parents Association neighborhood school proposal were adopted. “Neighborhood schools” is a myth. The sad truth is that the discrimination alleged by the Greenville Parents Association is a cryptic claim to retain a disproportionately higher quality of education for White students at the expense and denigration of Black students at Sadie Saulter.

The Pitt County Coalition for Educating Black Children respectfully asks this Honorable Court to issue an Order declaring that the Teel and Edwards Orders issued in 1970 continue in full force and effect and authorize the 2005 student assignment plan and the current diversity policies adopted by the Pitt County Board of Education, to continue to work to eradicate the vestiges of past discrimination.

This the 8st day of July, 2008.

Respectfully submitted,

Rev. Ozie Lee Hall, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the below were served with a copy of the foregoing Statement by placing the same in the U.S. Mail, postage prepaid, addressed as follows:

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This the 8th day of July, 2008.

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