

Unitary Status and the Pitt County Schools

Desegregation cases in Pitt County

- In the 1960s, black students filed suits against the Greenville City Schools and the Pitt County schools that challenged race discrimination in the schools.
- Ultimately, both lawsuits challenged student assignment policies that led to racially separate schools.

Court Orders in Pitt County

- In 1970, U.S. District Judge John D. Larkins, Jr., approved desegregation plans for the Greenville City Schools and the Pitt County Schools.
- Judge Larkins' 1970 orders retained court jurisdiction over desegregation in the Greenville and Pitt County schools.

Pitt County remains subject to both of the old desegregation orders

- Since the Pitt County and Greenville City, merged, both of the desegregation orders apply to the Pitt County Schools.
- However, for almost 40 years, there was no court action in the case. The Pitt County Schools maintained a policy that set racial diversity targets for schools and no one complained to the Court about segregation in Pitt County

In 2008, the school board asked the Court to review the old orders

- In 2006, the Greenville Parents Association complained to the federal government that the school board had violated the Constitution by considering race when it redistricted elementary schools in Greenville.
- The Board argued that any consideration of race in student assignment was justified to comply with the old court orders. To resolve the complaint, the Board agreed to ask the U.S. District Court to rule on the question.

2009 Court Order

- U.S. District Judge Malcolm J. Howard ordered all parties to try to settle their differences.
- After an agreement by the parties, Judge Howard found that the school board had complied with the law. Judge Howard approved the elementary assignment plan. He also approved the school board's revised assignment policy, which made student achievement a key goal in student assignment and put less emphasis on race.

Judge Howard also ordered the Board to work toward “unitary status”

- “The court ORDERS the parties to work toward attaining unitary status so that the court may relinquish jurisdiction over this case and restore to the School Board full responsibility for the operation of its schools.”
- The parties in the case must submit a report to the court by December 31, 2012, which details the board’s efforts and progress toward unitary status.

What is unitary status?

- A school district is unitary when it has eliminated the effects of past segregation to the extent practicable.
- When courts declare a school system unitary, the court system no longer supervises the school system's student assignment and other decisions.

The school board has ultimate responsibility for achieving unitary status

- The board is elected by the people of Pitt County to direct and supervise the public schools.
- While the board will work with the parties in this litigation, the board has a broader responsibility to the entire community.

What might a court consider in deciding whether a school system is unitary?

- “In one sense of the term, vestiges of past segregation by state decree do remain in our society and in our schools. Past wrongs to the black race, wrongs committed by the State and in its name, are a stubborn fact of history. And stubborn facts of history linger and persist. But though we cannot escape our history, neither must we overstate its consequences in fixing legal responsibilities.

- The vestiges of segregation that are the concern of the law in a school case may be subtle and intangible, but nonetheless they must be so real that they have a causal link to the de jure violation being remedied. It is simply not always the case that demographic forces causing population change bear any real and substantial relation to a de jure violation.” Freeman v. Pitts, decided by the Supreme Court of the United States in 1992.

(De jure segregation is segregation enforced by law or policy.)

What Have Courts Considered in Deciding Whether A School District is Unitary?

Student assignment

- Compare the diversity ratios of different schools to the school system's overall ratio.
- If individual schools fall well outside the overall ratio, are the differences because of past segregation or because of the pattern of housing development, geography or other factors?

Quality of education

- Do Black students have the same educational opportunities as white students?
- How do graduation rates and other measures of success compare?
- What are student suspension rates for students from different racial groups?

Faculty and staff assignments

- How do the qualifications of faculty and staff compare from school to school?
- Are black or white administrators and teachers overrepresented in schools that are racially unbalanced?

Physical Facilities

- If schools are racially unbalanced, how do the school buildings compare in terms of classroom size, age of the building, air conditioning, computer access and other factors?
- Have new schools been built in areas that improve diversity?

Transportation

- Do students who attend predominately black schools have significantly longer bus rides than those who attend predominately white schools?
- If so, is there a race-neutral explanation?

Extracurricular activities

- Are extracurricular activities like sports and clubs available to all students regardless of race?
- How do extracurricular offerings at predominately black and predominately white schools compare?

The Pitt County school board has sought to remedy past segregation

- The old Greenville City and Pitt County school boards complied with the court orders to desegregate students.
- For many years, your student assignment policy emphasized racial diversity as a key factor.
- Your current assignment and instructional policies emphasize support for all students, with an emphasis on students who are at risk. Your policy continues to recognize race as a factor in student assignment.

Achieving unitary status

- The school administration is looking at information about the school system's progress in the areas discussed above (student assignment, faculty assignment, etc.).
- School administration will recommend action to fix problems in these areas.
- Your goal of improving education for all students will be central to unitary status.

Your partners

- The board will work with the other parties in the court case.
- However, you have an obligation to the entire community you represent and input from individuals and community groups will be important. Such groups could include PTAs, school improvement teams, teacher organizations and advocacy groups.

Working with the public

- While you may consult with an attorney for advice concerning the litigation, policy changes proposed to achieve unitary status will be discussed and acted upon in public.

Questions?