

A MISSION FOR REFORM

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## **Abstract**

### **SHELBY EDEN DAWKINS-LAW: A Mission for Reform (Under the direction of George Noblit)**

School choice in the form of charter schools has become a resegregating policy lever. This is despite the fact that freedom of choice was originally introduced as a desegregating policy lever. This case study describes one charter school as it creates, adopts, enacts, and implements a new policy to diversify its student body. Throughout, this school relies on the mission-driven, intentional leadership of its Staff and Board of Directors to ensure stakeholders' incorporation in this process. Due to the culture of consensus building embedded in its mission, this school is able to enact this policy with everyone's interests in mind. This school represents an irony, as the autonomy that facilitates its progressiveness is exactly what incentivizes many other charter schools to passively resegregate. This school teaches us that with intentional effort, resegregation can be combatted on the individual school level.

## **Dedication**

To my great-grandfather, thank you for the opportunities all of your sacrifices provided for me. To my parents and grandparents, without whom I would not have had the opportunity to develop my passion for Education. And especially to my mother, my first teacher, to whom I owe all of my success, my schooling, and my life. You inspire me everyday to work for equitable and excellent education for all, that you were so kind to provide for me.

This work culminates a lifelong passion for Education and all the benefits it endows. This thesis is an effort to express that passion through research. In all of the work I have or will ever do, I keep in mind the struggle of those that came before me, and those that will come after me, to simply pursue their fundamental right to an education. I am forever indebted to my teachers: family, friends, mentors, and colleagues, who have profoundly influenced my own schooling. I can only be as successful as they have given me the opportunity to be, and for that, I am eternally thankful.

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## Introduction

School Choice has evolved over the years to create an irony between the original theory behind it and its practice. Originally introduced by southern states as a desegregating policy lever, in one form, choice has become a policy lever that resegregates (*Griffin v. County School Board of Prince Edward County Virginia*) (Frankenberg, Siegel-Hawley & Wang 2010). With the rise of the accountability movement since the 1983 publishing of *A Nation at Risk*, an incentive has been created to replace failing schools with charters (Frankenberg, Siegel-Hawley & Wang, 2010). Expanding choice in the wake of failure has allowed “choosers” to isolate themselves from the general population of students. The promulgation of charters in urban, low-income, high-minority areas has done the same for the most underserved students in our country. The parental incentive created by expanded charter schooling—increased choice—has slowly but surely helped to develop a multi-tiered system of public schooling in America. This reality of resegregation in North Carolina has yet to be challenged through the existing means. In the case of charter schools, North Carolina law includes specific stipulations that would purportedly protect us from such a phenomenon (N.C.G.S. § 115C-238.29A-K). Yet this provision is rarely if ever utilized. Instead, hyper-resegregation continues to promulgate unsupervised. While this lack-of-enforcement culture insulates schools from real penalty or criticism, outliers remain. The case presented by this study exemplifies the ironic way in which this freedom from control can be harnessed for change. The actions taken by the leadership at this school

show that with mission-driven, intentional leadership, a charter school has potential to be the model for diversity-conscious student intake. The bureaucratic hurdles imposed on race-conscious student assignment in traditional public schools are not factors for this deregulated school. When earnest in their actions, charter school leaders can innovate practices that result in social change and if successful, spread to other similarly intentional leaders.

## Background

### Defining Desegregation

Several decades of desegregation case law and parallel political discourse explain the evolution of choice from being politically framed as a desegregating policy lever to it being practiced as a resegregating policy lever. In the years after *Brown*, southern states were challenged with innovating means to constitutionally desegregate their schools (*Brown v. Board of Education of Topeka Kansas*). Over several cases, the courts were able to narrow the scope of legally permissible and sufficient means to desegregate (See Appendix A for timeline of case law). Overwhelmingly the courts considered *freedom of choice* plans (*Griffin v. Prince Edward County Virginia*, *Bowman v. Charles City County Virginia*, *Green v. New Kent County Virginia*, *Alexander v. Holmes County Virginia*). These plans troubled the courts because they rarely, if ever, resulted in meaningful integration (*Griffin v. Prince Edward County Virginia*, *Bowman v. Charles City County Virginia*). The Supreme Court became frustrated with the evasive actions of southern states to implement policies that did not result in change, and in 1971, substantively defined what “works” with its seminal ruling in *Swann v. Charlotte-Mecklenberg County Schools*. However, a schism would arise between what “works” and what was *required*. The idea of local control that was emphasized by the Reagan Administration in the 1980s would infiltrate the opinions written by the courts in the 1990s (*Missouri v. Jenkins*). Gary Orfield and his colleagues at the Civil Rights Project (Harvard) would later find that integration efforts peaked during his presidency (Orfield & Yun, 1999)

As time passed, the idea of existing rampant segregation that could only be quelled by judicial action became outmoded. Over a generation removed from the

horrific conditions before the 1960s, millennial parents believed judicial action to be not only unnecessary, but in violation of equal protection rights of White students. They challenged student assignment policies as relics of a different era. We had progressed. Clotfelter and colleagues explained this parental mistrust in desegregation-minded student assignment policy when they described how southern school districts had begun to make concessions to northern migrants who had not born witness to the impact that these policies had made to make diverse schooling as accessible as it had become. An example of this would be the unsanctioned introduction of magnet schools in Charlotte-Mecklenberg County that eventually gave rise to the case that would overturn their desegregation order (*Capachionne v. Charlotte-Mecklenberg County Schools*). The idea of post-racialism that characterizes the new millennium endured in the rulings the Court handed down in *Tuttle, Eisenberg, Cappachionne, and Parents Involved*. In *Capachionne* the complainant claimed that Charlotte-Mecklenberg County schools had acted in good faith to comply with its desegregation order and any remaining segregation was not de jure but de facto, existing only because of the housing patterns in Charlotte.

In a study published in early 2013, Allison Roda and Amy Stuart Wells uncover the incongruence between privileged white parents' belief that diversity matters and their frequent choice to isolate their children in schools of privilege. They found that while white parents in theory are discomfited by segregation, but they are more concerned with ensuring their child gets the "best" education. This may explain the motivation of the parents who brought suit in *Tuttle, Eisenberg, Capachionne and Parents Involved*. The education market is not just competitive for schools, its competitive for parents. In the absence of race-conscious policies White parents are incentivized to protect their

privilege with the educational choices they make for their children. Now that schools are left with no constitutional means to be conscious of racial balance in student assignment as they originally had with *Swann*, this incongruence is able to run rampant in our schools. While the courts are not entirely to blame for the resulting resegregation, especially in the charter schools over which these rulings have very little bearing, they did create a policy window that could be taken advantage of by well-meaning, but politically motivated, proponents of choice.

### **Resetting the Agenda**

The 1983 presidentially commission report, *A Nation at Risk*, incited unrest in America's parents. The report characterized public schools as failing, weighted down with bureaucratic impositions (National Commission on Excellence in Education, 1983). Federal expansion into Education was seen as complicating an already complicated practice of schooling. Local leaders were characterized as the only ones with the capacity and contextual knowledge to meet the needs of their students. Ronald Reagan set America's agenda when he endorsed the report at a national convention of America's leaders:

Our educational system is in the grip of a crisis caused by low standards, lack of purpose and a failure to strive for excellence. Our agenda is to restore quality to education by increasing competition and by strengthening parental choice and local control... The schools were charged by the federal courts with leading in the correcting of long-standing injustices in our society: racial segregation, sex discrimination, lack of opportunity for the handicapped. Perhaps there was simply too much to do in too little time. (Ronald Reagan, 1983)

By putting educational equity at odds with educational excellence, Reagan was able to wrangle the anxiety of the American public. He capitalized on public resistance to desegregation policy and turned the mission of public education on

its head.

In her essay, *Choice: The Last Civil Right*, Janelle Scott outlines how this conservative political framing of equity coupled with progressive critiques of the state allowed Reagan to redefine the civil right to an equal education into a civil right for parents to choose an excellent education by any means necessary. She stated that supporters cite school choice as having a role in enduring democracy, full citizenship and equal educational opportunity. This civil rights rhetoric, coupled with Supreme Court decisions restricting race-conscious student assignment, and nation-wide philanthropic interest in educational excellence, has framed market-based choice as a civil right *specifically* for poor parents of color. This rhetoric has gone so far as to inspire founding of conservative funded civil rights organizations whose missions are congruent with this conservative framing of choice, despite the fact that the choice options they support (magnet schools, vouchers, tax credits, etc.) were historically used to maintain what they claimed was de facto segregation and deny equal access (Scott, 2011) (*Griffin v. Prince Edward County Virginia*). These organizations and their proponents acknowledge the social context and history but do not fully engage that with the practices they endorse.

### **“Proven” Practices**

The driving force behind the irony of the original mission of expanded choice and the segregated reality that has come of that, has greatly to do with the Accountability Movement that has taken hold of school reform for the last thirty years. North Carolina has had a school-based accountability system relying on testing, performance pay, and

designation of schools as “low performing” for fifteen years (Reardon & Yun, 2005). In this same time period, North Carolina authorized its first charter schools. North Carolina offers an interesting example of the role that charter schools play in resegregation in America’s schools because of the similarity between the state’s accountability policies and the current national policy context of Race to the Top.

Between 1980 and 2000 in North Carolina, White student enrollment in the average Black student’s public school dropped by 11% (Clotfelter, Ladd & Vigdor, 2005). Segregation also increased within schools, a phenomenon often attributed to the academic tracking implemented by a statewide accountability program in 1990 (Reardon & Yun, 2005). In describing their findings on the increase in segregation in North Carolina’s public schools, Clotfelter and colleagues note that changes would have been less significant if charter schools were not considered. While the statement assumes that racial composition in public schools would have been the same absent charters, it does give an ironic twist to the findings, as charter schools were prescribed in North Carolina legislation to reflect the racial composition of the districts they serve (N.C.G.S. § 115C-238.29A-K). Now a proud recipient of a Race to the Top grant, North Carolina is even more incentivized to continue these trends toward resegregation without oversight given stated national priorities on increased accountability and competition.

The Race to the Top program explicitly designates charter schools as a means toward the end of increased achievement (Duncan, 2009). When a school fails, one method offered to reform by the Obama Administration is to convert said school into a charter school. The supposition that changing the governance structure of a school will change the achievement level in said school is baffling because charter schools have not

been proven to be more effective in educating America's children. In fact, several studies report conflicting results on whether charter schools are outperforming traditional public schools, one study of charter schools across 16 states published by Stanford's CREDO Institute in 2009 found that they are at or below the level of achievement in traditional public schools nationally (Hoxby, Muraka & Kang, 2009) (CREDO, 2009). The variability presented by charter schools alone undermines the validity of any large scale study of charters that would prove them to be more effective in the first place. In North Carolina the only proven effect of charter schools is that they resegregate.

Charter schools in North Carolina include a large number of predominantly Black schools in concentrated urban areas. Racial isolation in North Carolina charter schools has been studied in depth for over a decade by University of California, Los Angeles' Civil Rights Project. Nationally, the study found that 70% of black students in charter schools attend an intensely segregated minority school as compared with only 40% in traditional public schools. The average black charter school student attends a charter school where three out of every four of his peers are also black. Since the findings of Clotfelter and colleagues were tabulated in the 2000-2001 school year, the Civil Rights Project has measured stark changes in the enrollment of North Carolina Charter schools. In 2001, charter schools enrolled 1.2% of the school population or 15,523 students. That number grew to 31,193 in 2007-2008, a 101% increase in enrollment to account for 2.2% of the school population. In that time however, the number of charter schools only increased by 1. There were three metropolitan areas where the proportion of enrolled students in charter schools was >2.0%: Charlotte-Gastonia-Concord, Durham, and Raleigh-Cary (2.1%, 6.0%, and 3.2% respectively). In each of these areas, White students

comprised a higher percentage of enrollments than in their traditional public school counterparts (Frankenberg, Siegel-Hawley & Wang, 2010) (Clotfelter, Ladd & Vigdor 2005).

Even more severe than the isolation of Black students is that of Latino students. In Charlotte, the one-time model for desegregation for the entire country, Latino students comprise 12% of traditional public school enrollment. This is compared to only 2% of charter school enrollment. In each of the three LEAs considered by the UCLA study the difference in enrollment was at least three times less in charter schools than in traditional public schools. Clotfelter and colleagues pointed to unprecedentedly large waves of Latino migration to the Piedmont region of the state when they considered the racial and linguistic isolation that Latino students experience in traditional public schools (Frankenberg, Siegel-Hawley & Wang, 2010).

### **The Case**

While charter schools are a proven haven for segregation, the case study presented here provides an example of the irony that school-level governance represents in this relationship. While school-level governance provides the insulation for this phenomenon to promulgate, it also provides the vehicle for change as one school can have the agency to be the change they see in the world. The basic underlying principle of a charter school supposes that without the regulation and control of a central bureaucratic unit, one charter school can innovate new approaches to schooling that are beyond the capacity of the government. This is in agreement with Chubb and Moe's theory of bureaucracy and change. Their theory argues that traditional forms of bureaucracy serve as an impediment to change. Only with a change in the basic organizational structure of

school such as that in a private school, can positive student outcomes be truly achieved. The school considered by this paper offers a case study of that structure, one in which school leaders are able to identify priorities not currently met by the government and innovate ways to meet them for themselves.

The governance model of this charter school closely mimics that of our federal government. The Board of Directors hands down judicial-like mandates, the Director carries them out, and equally important groups of parents and teachers debate them. The school's partnership model of governance is laid out in its charter. "All partners are valued and their unique skills, individual style and personal dreams are taken seriously... partners will learn to practice 'no-fault problem-solving, consensus decision making and collaboration.'" Family Partners, Teaching Partners, and Board of Directors Partners hold equal stake and power in the school, a system of checks and balances. The present study will follow how these partners interact during a major policy change

In its eleven-year history the school experienced a very steady decline in diversity. While the general statute that governs charters has a provision that requires the student body to reflect the neighborhood after one year, it is rarely, if ever, enforced. Leaders at the school took it upon themselves to initiate a new policy to increase diversity. The proposal called for a new priority group in the lottery for families that qualify for free and reduced-price lunch. In its first year, the minimum would be 15%, steadily increasing to an optimum of 40% after 4 years. The school's leaders offer several reasons for the policy change, among them being a return to the original dictates of the charter, to be a school of and for the community, and to challenge outside perceptions of elitism that perpetuated the community once the school population stabilized to be more

than 70% middle class and White. This proposal came with both risks and rewards that were vocalized by all stakeholder groups.

The local context of the school is important to consider in the analysis this paper provides. The LEA this school is in has been actively hostile towards the expansion of charter schools. Presently there are nine charter schools in this district compared to fifty-six traditional public schools (Department of Public Instruction). State representatives from this district introduced a bill to the House in the 2011-2012 legislative session that would have capped the number of charter schools in the district at 20% of the total number of traditional public schools— eleven schools total (Luebke, 2011). At the time the State Board of Education had approved one more school for operation in this LEA that would have brought this number to ten (Department of Public Instruction). A second bill proposed would have required these schools to provide transportation to any child within a 10-mile radius, free and reduce-price lunch, and policies congruent with federal ones imposed on traditional public schools regarding the education of students with disabilities. Both of these bills died in committee after bipartisan support pushed through the removal of the state's cap on charter schools (Luebke, 2011) (Session Law 2011-164/ Senate Bill 8). Regardless, local citizens remain averse to charter schools. Grassroots organizations with extreme influence on local elections have issued statements on what charter schooling should look like in this LEA. One statement echoed many of the stipulations from the proposed bills but also highlighted the concerns of local citizens, specifically those around the lack of diversity in these schools given the 9% of enrollment for which they account (Durham People's Alliance, 2012). As will be revealed in later analysis, this school took this organization's statement into specific consideration in the

formulation of its new lottery policy. This consideration of the greater community will prove to be one of several driving forces that allowed this school to be progressive in its policymaking process.

The following case study situates this school at the end of the long history of desegregation policy in this country. As charter school expansion becomes the accepted future of American public schooling it is important to understand how resegregation, and any effort against it operates in this subsystem. The school is choosing to be innovative, to act, when the larger system of charter schools and even public schools in general maintain a steady pace towards a multi-tiered system of schooling. With the State Board of Education's approval, this case study represents a pilot test of sorts, an incremental change that could become grand and sweeping if it proves effective in this one instance. The degree of spread remains to be seen as the policy is in its earliest stage of implementation and is pending several years of evaluation. This paper will observe this microcosm of school governance and the stages of policy development within it. The method employed by the researcher will trace these stages, looking to documentation of the board and school council's meetings, observation of the policy implementation at the lottery, debate at a school forum, interviews with members of the school bureaucracy, and analysis of survey data of the affected constituents, parents. The analysis will determine themes on which the issue hinges and the concerns of relevant stakeholders as the policymaking process unfolds.

## **Methods**

The primary research question this study seeks to answer is how can one public charter school combat resegregation? Many considerations are embedded in that question including: How does a charter school define diversity? What strategies are at public charter school's disposal to become more diverse? What level of autonomy does a public charter school have to create new diversity conscious admissions policy? Is it "easier" to develop this policy in a public charter school than a traditional public school?

To answer these questions the study employs four qualitative methods: observations, interviews, and document and survey analysis. The researcher observed two school events, the annual lottery procedure and a school sponsored town hall event. These observations were supplemented by interviews of the school's Director, Founder, and a representative from the Economic Diversity Committee. In addition to this data the researcher also conducted a document analysis of School Council and Board of Directors' meeting minutes. Upon conducting interviews, the researcher was also given access to results of an internally conducted survey of parents. The Economic Diversity Committee conducted the survey in preparation for the public forum observed earlier.

A charter school is a special case of the institution of American public schooling. The founding principles that release them from government control ensure that the policy development process comes from within. The chosen methods allow the researcher to capture the stages of policy development, as they exist in a school that has been chartered by the state government to govern itself. The complete autonomy forces the researcher to seek out the parallel sources of data that exist in this charter school's partnership model of governance. By using qualitative methods to analyze the meetings of the board, where

policy is introduced, debated, and enacted; the school council, where interests are represented by parents teachers and staff; the lottery at which the new policy is implemented; and the public forum at which parents, teachers, and staff openly discuss the policy, as well as survey data of those attendees, the researcher is able to gather a plethora of data on the same event from all sides of the issue.

The design of this study is appropriate for the questions considered because it captures all of the stakeholders at multiple phases of the policy making process. Document analyses are able to account for decisions and conversations that led to the implementation of the new policy. The analysis begins with the endorsement of a policy agenda and ends with the point at which the policy created to meet that agenda is implemented. It also includes a bit of evaluation as the observation extends to when the stakeholders are given the opportunity to evaluate the policy by sharing their opinions with all of the policy actors. The interviews are able to get a much more in depth understanding of the process as those interviewed represent the institution and can shed light on how their actions influenced the process from start to finish.

The site at which this case study takes place was chosen because of the novelty of the policy it is implementing. This policy change represents a significant change in the way in which charter schools are allowed to address diversity in student admission. The site is also appropriate because the district in which it operates is one that is actively seeking to stifle the growth of charters. The hostility with which charter schools are received is tied closely to the perception that they are not diverse. As such, this school which has adopted an agenda to increase diversity by way of a new lottery policy is the perfect example of a charter school's capacity to effect change. The sampling of

interviewees includes three leaders who have a lasting role in how policies are innovated and implemented. The Founder of the school knows the history and the tenets on which the school was founded. The Director is the author of the policy and has the institutional knowledge to understand how the policy will affect the stakeholders the school serves. The Economic Diversity Committee member is personally charged with stewarding change that uplifts underserved student and is looked to as the authority to consult when policies such as these are created.

Observation and interview methods were used to collect data. Observations were conducted of the lottery procedure and school council sponsored town hall meeting. There were 29 parent applicants (out of 492) present at the lottery along with 4 administrators and 3 parent volunteers. None of the parents present had children who were admitted to the school through the lottery. The town hall meeting garnered 62 attendees including 1 facilitator, 6 panelists, 4 board members, 3 administrators, 7 teachers and 41 parents, 2 who were admitted in the lottery earlier that day. The researcher used an observation guide to take note of the setting, participants, agenda, notable remarks and reactions. The researcher collected archived School Council and Board of Directors' meeting minutes starting with the Board meeting at which the policy was proposed. A final piece of data was given to the researcher during the interview with the Director, surveys of 38 parents conducted in preparation for the town hall forum.

The researcher transcribed each interview and consulted field notes for interviews and observations. The researcher coded transcripts of the interviews and the minutes from the School Council and Board of Directors' meetings by hand. Several codes that emerged from the data were categorized into three themed groups: Communication,

Community, and Capacity. These three categories represented the major themes that recurred throughout all of the data and proved to be critical considerations of all stakeholders at different stages of the policymaking process. These themes were also derived from analysis of the school charter. When these themes were considered together the researcher found that the critical components from which they came were Mission, “Intentional-ism”, and Leadership. The themes of Communication, Community, and Capacity all stemmed from the original mission of the charter. The charter emphasizes intentional acts on the part of leadership (Board of Directors, Teachers, and Parents) to steward the school towards its mission. Communication, Community, and Capacity play out as responsibilities that intentional leadership must meet in order to satisfy the mission.

The methods employed by this analysis rely heavily on existing data and public proceedings. As such the data collected is relatively objective. Since this is the first policy of its kind there is no claim for generalizability for this study. This method could be used by charter schools across the nation, but as this is its first iteration and it has yet to be evaluated formally by the State Board of Education, one can only assume. To know how generalizable the findings of this study are would require spread of the policy to other schools. Even so, one cannot guarantee that process will be either as inclusive or exclusive of stakeholders as it was in this instance as much of what defines the policymaking process at this school has to do with its uniquely cooperative governance structure. Diversity policy is a highly charged and historically contested subject. As such the observations may be of highly charged conversations. The interviews and observations may induce discomfort or strong emotions. The researcher has made every

effort to make these interactions as comfortable as possible for the participants. The biggest limitation of this study is the novelty of the policy in question. Economic based student assignment policies have existed in North Carolina for many years. The method employed was highly regarded until it was found that using the qualification for the National School Lunch Program was a violation of the Federal Educational Right to Privacy Act. The proposed policy manages to get around that restriction but how effective it will be is still questionable as the students have not formally enrolled yet.

The researcher discloses the potential bias of the analysis and data collection phases of the study. Having worked with the school on a voluntary basis the researcher acknowledges the influence that relationship may have on interpretations of data. Having worked with the school council and administrators to plan the town hall that was observed, the researcher may have knowledge of the stakeholders' concerns outside of the data collected for the purpose of the study.

## **Data Narrative**

Three major themes emerged from the analysis of data collected by the researcher to document the policy change process at this charter school. These themes were Communication, Community and Capacity. These themes presented themselves in the apprehensions of parents, goals of the board of directors, considerations of the faculty and staff, and much more. The data indicates an ongoing dialogue around these themes within the school community that could be traced back to the core beliefs in intentional leadership and dedication to the mission put forth by the school's founders in the charter eleven years ago. The following narrative describes the last six months of the school's history. It will reveal how these themes and chartered beliefs inform the policy making process as the community innovates a mechanism to increase diversity at the school.

### **Problem Definition, Agenda Setting, and Policy Formulation**

In October of 2012, the Board of Directors of this charter school held a strategic planning meeting during which they identified three initiatives to focus on for the next five years: 1) becoming a Demonstration School, 2) expanding from K-5 to K-8, and 3) increasing diversity of the student body. The meeting was the culmination of several months' worth of conversation between stakeholders about their vision for the school and their evaluation of its successes and failures, all with deliberate consideration of the school's culture and founding tenets. In her interview, the founder of the school explained the original intent of the charter, to create a school for the greater community that had the philosophy and research-based practices that had only been privileged to the few students with the means to go to the elite lab school that pioneered them. The Board believed that the school was very accomplished. It served its students well with its

research-based curriculum and had created the collegial community it hoped for in its charter. The recurring issue that prompted this consideration though was that the school was not “of the community” as the charter had intended. With the explosion of interest in charter schooling in North Carolina, the school had experienced its own explosion in applications. Originally very diverse along all traditional measures, the dilution of the applicant pool by a very informed population of White and middle-class parents resulted in a demographic shift in the student body. Currently, barely 10% of the school qualifies for free and reduced-priced lunch, their measure for socioeconomic diversity. Racial and ethnic diversity has long since dropped off despite growing numbers of applicants. This year the school selected from its largest pool, 492 applications, 307 of which were for only 54 kindergarten spots. The October meeting sought to define the problem of diversity, determine desired outcomes and the risks and rewards of a new policy that could fix it.

In the time leading up to this meeting, the Director of the school developed a proposal to the Board of Directors and the State Board of Education. The proposal sought to amend the charter, adding a third priority to the admissions lottery. North Carolina general statute N.C.G.S. § 115C-238.29A-K allows for three priorities in charter school admission lotteries: 1) siblings of current students, 2) children of current staff, and in the first two years of the charter, 3) children of board members. Applicants who meet these criteria are admitted to open spaces in a charter school in priority order before the school conducts its general admission lottery. In its eleventh year the school added qualification for the National School Lunch Program as a third priority to its lottery. The rationale being that this qualification could serve as a proxy measure for socioeconomic status. The

school was able to use this qualifier because with the hurdle of an application, it was able to ask parents to consent to using this measure.

The Director was also intentional as he shared this proposal with the School Council during their September meeting. In the minutes of the October meeting it was noted that the Diversity Committee, a standing committee comprised of parents, teachers, staff and community members, wanted to sponsor a forum on diversity matters at the school. The Director noted that approximately 60% of children in the school's district currently qualify for FRL, 40% in charter schools, and only 10% at the school. He felt strongly that the school needed to be more diverse to claim that it meets its mission to provide high-quality education to *all* children. The Director and his staff had taken several other steps to intentionally change the incoming population of the school. Other methods were considered. The school applied for a walk zone in 2007 and the Director of the Office of Charter Schools encouraged them to include one on the current proposal. The Director of the school declined however because he believed the zip code to be too large and varied to ensure real diversity with any geography-based constraint. The founder also noted during her interview that the school had included a walk zone in their original charter application and it was one of the reasons they were denied on the first try. Another affirmative method the school already used to try to increase diversity was through intensified recruitment, but due to the fact that the number of applicants each year increases by a much larger factor than does the number of diverse applicants, stacking the pool still does not work effectively. The Assistant Director also brought up concerns that the school struggled to increase diversity because despite whatever effort

was put into recruiting families, increased diversity still might not come because applicants “don’t see themselves in [the school]”

The Director, School Council, Board, and Founder all agreed that increasing diversity is a good priority for the school. Reasons for the effort included the positive peer effects that diverse schools generate amongst their students, diversity being one of the founding principles of the charter, and that the charter statute specifies that a school must “reasonably reflect” its surrounding community. While this last provision is not enforced the group agreed that it does impose a duty on them. They believed that they had to be intentional in their acts to diversify the school to meet this duty and their mission to be a school of the community. This conversation continued through to the November School Council meeting when all community members were invited to a fact sharing session with the Council, administration, and Board.

Throughout these stages of the policy development process all contributing parties emphasized Communication, Community, and Capacity and the mission-driven leadership of the Director, the Board, and the School Council addressed these themes. The Director took concrete steps to communicate his plan to each of the school’s stakeholders. The Board endorsed his plan and then worked with he, the School Council and the Economic Diversity Committee to pass proposed changes along to the parent and teacher community. At the October School Council meeting attendees emphasized that the issue may be “‘loaded’ and the sooner [they got] people involved the better.” They discussed that they would have to acknowledge that things would be different and consider what stakeholders’ fears would be. A School Council member also noted that they would have to be sure to support practical issues such as lunch, transportation, and

Spanish speakers. The group also discussed potential stakeholder reactions to the policy change, especially that of parents and their ability to show their support, or lack thereof, through enrollment decisions. One recurring point was in the power that the school wields in the demand for spaces. While they sought to retain families and the community they established it was acknowledged that if families really did disagree with the new policy and the values behind it enough that they wanted to leave there was a waiting list full of families ready to enroll.

### **Adoption and Implementation**

The Assistant Director of the school and a Board member representative administered the lottery. The procedure dictated that of the applicants selected, siblings would be admitted first with no cap on enrollment, followed by children of staff, and then by students who qualified for the economic diversity priority, which set aside 15% of all available spots. In the event that a student who qualifies for FRL was not admitted during the priority, they would be re-entered into the general applicant pool for another shot at one of those spots. For kindergarten there were 54 spots available. 32 of those spots were filled automatically by siblings, and another 2 by children of staff. The following 7 were filled by economic diversity priority applicants and the remaining 13 to general applicants. The results of the lottery were as follows: out of 307 applicants for 54 spots in kindergarten 9 students who were admitted fulfilled the economic diversity priority requirement, 30 of the total applicants qualified. In grades 1-5 no one has been admitted yet as spots will not open until the conclusion of the school year, but 10 out of 75 1<sup>st</sup> grade applicants, 8 out of 39 2<sup>nd</sup> grade applicants, 5 out of 38 3<sup>rd</sup> grade applicants, 3 out of 24 4<sup>th</sup> grade applicants, and 1 out of 9 5<sup>th</sup> grade applicants qualify for the economic

diversity priority. Overall that adds up to approximately 11.6% of the total applicant pool that qualified for the priority. In the event that spots open up in the higher grades, economic diversity priority applicants would be admitted to the same 15% cap depending on the current demographics of the class. This means that if the first economic diversity applicant was 5th on the list, they would be admitted before anyone else. General applicants would be skipped until the 15% was satisfied. In the event that the 15% was already fulfilled by the existing class, the waitlist would be followed in the order generated by the lottery.

While all of the risks and rewards were thoroughly vetted behind the closed doors of School Council and Board meetings, the issue of diversity at the school would have to be rehashed after the State Board of Education gave their approval in January, before the lottery provision was implemented. The School Council did sponsor a forum to discuss possibilities in November but when the policy became a reality everyone: parents, board members, teachers, staff, and pending applicants, needed to be informed of the change. The Director and his staff intentionally communicated possibilities throughout the approval process. The question consenting to using the FRL qualifier in consideration for admission was included on the application beginning in October. In February, the Director sent a letter home to families, current and pending, explaining the change. The letter also announced a survey that was being circulated to ask current parents what their concerns were for the impending change.

The State Board of Education approved the proposal with very little question or comment. When asked, the Director described his impression of their opinion as ambivalent. This was an issue of interest for many charter schools which may have

prompted the approval, but the State Board of Education and the Director of the Office of Charter Schools made it very clear that this policy, and any fallout, was the responsibility of the school to deal with. The adoption process was relatively seamless minus the delay from it being considered by the State Board of Education in November until January. Institutional friction was not really felt until current parents responded to the survey in March.

Of the close to 300 students currently attending the school, thirty-eight families submitted responses to the survey. The survey included six items: 1) How long has/have your child/ren attended the school? 2) What do you value most about the school? 3) Why did you choose the school/Why do you continue to choose the school each year? 4) What do you tell your friends and family about the school? 5) What community feedback do you hear about the school? and 6) What concerns you/excites you about the lottery change? The answers were very polarized and echoed the same themes of Communication, Community, and Capacity from the earlier analyses. Respondents were concerned about how this policy change would impact the culture of the school, how the school would meet everyone's needs as the change was implemented, and how they would communicate changes, results, successes, and failures once the implementation was complete. The most common concern amongst respondents was that of Capacity. Many questioned how resources may be diverted from current students to new ones that may need more than the average e.g. teacher's time, FRL funds, transportation, etc. Another recurring gripe was that these students would be "'given' things (I fear most transportation) that would never have been considered for [their] child... regardless of their diverse status." One respondent stated "right now the budget is so tight I don't

understand how giving a priority to this group will be helpful to us monetarily” More specific comments included: “Will the school be forced to provide transportation?”; “Lunch and breakfast should be provided to all, those who pay and those who do not.”; and “If teachers have to teach things at a more basic level because of the number of low socioeconomic students admitted, then this will potential hurt the school as a whole” One comment that touched on all three themes was:

If we want to do things to increase access to the school, it should be done by offering those things that most schools do, such as transportation and FRL. These are the things in my opinion that keep low SES students from attending our school. I question whether weighting the lottery will even change anything. If a parent cannot get their child to school, it does not matter that their child had the priority... of course these issues all take more money, which apparently the school does not have.

One very specific Capacity concern that was brought up by a parent at the town hall and a board member at the February meeting was the sibling priority. This year, 32 out of the 54 spots, 60% of the incoming kindergarten class, were taken by siblings. The parent asked the panel if any thought had been put to imposing a cap on sibling enrollment. Earlier in the day at the lottery procedure while no one commented, there was an audible gasp when the Assistant Director announced the number of spots already assigned in the lottery by the time general admission was conducted. During the February Board meeting members considered the concern, the Director explained that this number was abnormally high, that usually it was between 20 and 25. This was reiterated at the town hall and further underscored that imposing a cap would undermine one of the schools greatest resources: families. The enduringly consistent Community that formed as a result of families having multiple children enrolled at the school from kindergarten on was part of what makes it unique. The founder stated in her interview that while a problem, the cap

would never be up for consideration because it would make it much more difficult for them to keep families, imposing pressure on them to get multiple children to multiple schools. She stated that the local district had gotten rid of their sibling priority just recently and she knew the struggles that parents who had older children were having once they left the school after 5<sup>th</sup> grade. Furthermore, when the school wrote its charter emphasizing research-based practices one of those practices was that when an entire family's children moved through the same school that the consistency in community that resulted would benefit the school in many ways.

The biggest issue that seemed to recur throughout the responses, positive or not, was assumptions. This included misinformation and assumptions about basic facts, statistics, and reasons for the lottery as well as assumptions about the population of incoming students, teacher ability, school preparation, and the like. During the town hall the panelists addressed these concerns both by correcting the mistakes and encouraging healthy dialogue.

When asked what they valued about the school, parents' most recurring answers centered on the theme of Community. One of the most valued aspects of the community was the Peaceful Schools Program. Peaceful Schools is a "holistic approach to student growth that provides tools for everyone in [our] school community to deal with bullying behaviors and resolve conflicts in nonphysical, safe and predictable ways." During the town hall panelists used this belief in Peaceful Schools to their advantage. They discussed the more controversial comments within this framework emphasizing that "if we expect this behavior out of our children we must model it amongst ourselves. We

cannot allow each other to be bullies and assume the worst of the students that will come through our doors next year.”

The theme of Communication came up in surveys and in the town hall as the most important consideration for all stakeholders throughout the policymaking process.

Parents, teachers, committees, and staff all wanted to ensure that they would be properly informed as the diversity priority continues to be implemented over the next four years.

At the town hall many turned to the Directors leadership and he reassured them that he was going to communicate with them as the policy is implemented over the next four

years. In the initial stages of formulation and agenda setting, communication was

highlighted as the most important step to create buy-in amongst the parents. In the

interview with a parent member of the Economic Diversity Committee, he expressed the

need for what he described as “less safe” spaces to discuss parent concerns with the

lottery. As one of the authors of the parent survey and having read the responses, the

parent expressed his concern to substantively discuss the more controversial topics that

arose in the responses. One such response from a parent that he referenced at the town

hall where he also served as a panelist was “There will be kids from abusive homes,

homes where drugs are prevalent, homes where children are not as cared for as they

should be.” In his opinion, comments like these are at the essence of the issue of diversity

and equity in public school. As a former Teach for America corps member much of his

life’s work revolved around daily conversations about this very topic. He became

involved with the Economic Diversity Committee because of this passion. In his

interview he candidly discussed his opinion that the space provided at the town hall was

“too safe.” He described the overall tone as one of healthy and helpful dialogue but critiqued how the panel handled some questions:

We’re so over cautious about the assumption that all poor people are black and brown that were not admitting to the reality that in this community that is the case... you don’t wanna feed them a story that makes them assume too much but that the same time it’s not actually true for us to say that we don’t expect this to affect racial diversity cuz it will and it’s important to recognize that because it is actually part of the story of this community. It’s the black and brown students that are further behind, not all of them, but a disproportionate amount, and that matters... I worry about that because we were sort of talking around it... we’re so over cautious not to feed people’s assumptions that we don’t tell the truth.

An interesting pattern that emerged from the data was consideration of the same factors enumerated by the seminal *Green* case that defined the parameters on which to evaluate whether a school district had effectively desegregated (See Appendix A).

Composition of students, faculty and staff were constantly cited as barriers to diversification as the school needed to have appeal to those diverse applicants.

Transportation was the biggest concern among administrative staff and the Board as they had the institutional knowledge both of the school and previous applicant pools to know that transportation is a barrier to enrollment for all students, but especially the low-income ones. In previous years many of the diverse applicants who had made it over the hurdle of the lottery had not enrolled because they had no way to get their children to the school. The founder recounted in her interview how a group of parents, years before, chartered a bus to drive their children to school. These parents had the capacity to provide this service to their children when the school couldn’t.

The factor of quality of education was also discussed when parents voiced their concerns about teacher capacity and support. Conversely, the Director’s views on quality of education centered on the school’s ability to provide for the incoming population of

students. In his interview, he emphasized the growth the school had made in achievement of its children with special needs. As 25% of the student population, they have a great bearing on the performance indicators of the school as a whole. The Director described how in the last four years students with special needs' passage rate on end of grade examinations increased from 30% to 70% and the school overall from 50% to over 95%. Currently the 10% of students at the school who qualify for free and reduced-price lunch perform at a 40% passage rate. He emphasized that if the mission of the school is to educate all children, and the mission of the lottery priority to was to ensure that all children could be admitted to the school, that the school would have to prove itself effective by raising test scores for those students as they had with those who have special needs.

After the town hall all of the leaders involved with planning it believed there were next steps to take in order to continue the iterative nature of the policy implementation process. One group that remains uncertain in particular was the teachers. The survey was sent specifically to parents. Given that staff has priority for enrollment, many of them were incorporated in the process more as parents than as teachers. While the meetings and events were open to everyone, the planning side and even the discussions were highly dominated by parents. Teachers were present at the town hall both as panelists and audience members but there was a distinct absence of their voices in the feedback that was actually collected. Many of the parents concerns revolved around the capacity of the teachers, the support they would need, and the effect that the new demands on their time would have on their children. At the time of data collection teachers had not yet had an opportunity to discuss the implications of the lottery with school leadership as a group

not involving parents. Without knowledge of their concerns specifically in their roles as teachers, not parents at the school, no conclusions can be drawn about the degree of buy-in amongst them. After the town hall the parents who were present seemed to be on board. However, there was a notable comment that the people who had the major concerns, the ones who were at risk of leaving because of disagreement with the policy and its motivators, were not present. This is a critical problem. Moving forward the Economic Diversity Committee plans to think hard about how to even capture these people's feedback without alienating them as being those who are against the policy.

## **Discussion & Conclusions**

Throughout data collection it was clear that the concerns surrounding the themes of Community, Communication, and Capacity were only quelled by the intentional leadership and emphasis on the mission made by the Director, his staff, the Board of Directors, the School Council and those he recruited to lead the discussion through the Economic Diversity Committee. At every step these leaders were tapped to contribute to facilitating buy-in amongst parent and teacher stakeholders. The Director and Founder frequently referenced the charter, the mission and the Partnership Model of governance in every step they took to involve stakeholder feedback. It was this culture of mission-driven leadership that allowed them to be so accommodating of the needs and concerns of everyone involved. This is evidenced in the fact that there were so many opportunities to have dialogue, before, during and after the policy was implemented.

The results of the present study are limited in their generalizability for the obvious reason that this is one policy implemented at one school with a very specific philosophy on how to bring about change in a community. The Peaceful Schools philosophy and the Partnership Model of governance are very unique to the school. Their method of cooperation and consensus building allows the dialogue that was documented by the study to occur in the first place. This policymaking process is uniquely characterized by the constant iterative feedback that is solicited from stakeholders. So while the policy itself could be implemented at any charter school, the culture of the school is central to how it will be received, discussed, and debated, if at all.

To answer the original research question: How can one charter school combat resegregation? The answer is slowly, with iterative analysis by all stakeholders at each

stage of the process. This school's model of policymaking is an example of true partnership. In the future the school may be a better example of models of governance that encourage controversial change broadly rather than diversity policymaking specifically. The lessons learned about incorporating stakeholders from this school are applicable to all controversial or contested policy enactments, not just those concerning diversity. Future study could benefit from tracing more than the development of this policy but in depth analysis of each branch of governance over the course of their standard school year.

Analysis of this data revealed that mission-driven, intentional leadership is what sets this school apart in its ability to affect change from within. In their 2012 policy brief published by the National Education Policy Center, Mead and Green discuss "charter equity." They make three overarching assumptions that guide their policy recommendations: 1) charter schools will be part of our public educational system for the foreseeable future; 2) charter schools are neither inherently good, nor inherently bad; and 3) charter schools should be employed to further goals of equal educational opportunity, including racial diversity and school success (Mead & Green, 2012). The authors recommend that state legislators include stipulations in the law that direct charter authorizers to require school leaders to include diversity language in their charters. With legal documentation authorizers can then enforce diversity standards on those schools. Interestingly enough this school has already included that language in their charter without prompting. While they have never had an outside entity enforce the relevant clauses and the Office of Charter Schools has not enforced their own law regarding reasonable reflection, school leaders believe that they have an affirmative duty to impose

these regulations on themselves. This affirmative duty echoes the Supreme Court's holding in the 1960s that desegregation was the affirmative duty of the states, and that the burden of desegregation could not be passed onto parents to choose, for one could never ensure that those choices were in fact "free in the practical context of their exercise."

*(Bowman v. Charles City County Virginia, Alexander v. Holmes County Virginia)*

Ironically in this case being "progressive" on the part of the school really means reverting to antiquated policies that have long since fallen out of enforcement. The school has identified that external pressures deprive prospective parents' choice to apply to the school of its freedom and they adopted affirmative measures to counter them.

I argue that this school offers one possible policy solution to the problem of diversity and access to charter schooling. I do not argue that this school's method will work in every case; in fact it has yet to be proven in this one. I offer this example because it is novel. Weighting a charter school's admission lottery for students who will contribute to the socioeconomic diversity of the school is innovative. It is innovative because it harnesses the key considerations of some of the most highly regarded, but now defunct, desegregation and diversity-minded student assignment plans in the state. This method is particularly intriguing because it is the very nature of the charter school, its autonomy, which allows the policy to be adopted. It is ironic because freedom of choice has historically been used to maintain segregation, its has been pointed to as the cause for the resegregation we observe in the state right now, yet the institution of charter schooling may prove to be the only venue in which one can be intentional about diversity without the bureaucratic and legal constraints that traditional public schools are burdened with.

The deregulation that is so often blamed for the lack of diversity in charter schools may in fact be the only way to ensure it.

## Appendices

### Appendix A: Desegregation Case Law Timeline

*Brown v. Board of Education of Topeka I & II* (1954 & 1955)

- Separate is inherently unequal
- Desegregation is the affirmative duty of states and must occur with “all deliberate speed”

*Griffin v. County School Board of Prince Edward County VA* (1964)

- Freedom of choice alone is not sufficient means toward desegregation, and is often a strategy used to maintain segregated schools

*Bowman v. Charles City County VA* (1967)

- Choice must be free in the practical context of its exercise
- If extraneous pressures deny the choice of its freedom states must take affirmative measures to counteract them
- The burden of desegregation cannot be passed on to parents to choose

*Green v. New Kent County, VA* (1968)

- 6 factors must be evaluated to determine if a district has acquired “unitary status” and be released from its desegregation order (student assignment, faculty, staff, transportation, facilities, extracurricular activities)

*Alexander v. Holmes County, VA* (1969)

- Dual systems of schooling must end at once. Desegregation must occur immediately.

*Swann v. Charlotte-Mecklenberg County Schools* (1971)

- Desegregation is a compelling state interest which permits the use of ratios as one element of a race conscious student assignment policy, transportation is a permissible means towards that end

*Milliken v. Bradley* (1974)

- Segregation is permissible if it is not the explicit policy of the district (de facto v. de jure segregation)

*Board of Education of Oklahoma v. Dowell* (1991)

- If a district has acquired unitary status desegregation orders must be lifted even if it will result in resegregation

*Freeman v. Pitts* (1992)

- Unitary status may be gained incrementally
- Quality of Education is a seventh *Green* factor

*Missouri v. Jenkins* (1995)

- Desegregation orders should eventually restore state and local authorities to the control of a school system that is operating in compliance with the Constitution

*Tuttle v. Arlington County, VA School Board* (1999)

- An oversubscribed public school may not use a weighted lottery in admissions to promote racial and ethnic diversity in its student body.

*Eisenberg v. Montgomery County Public Schools* (1999)

- A school board may not deny a student's request to transfer to a magnet school because of his race in order to maintain diversity

*Capachionne v. Charlotte-Mecklenberg County Schools* (2000)

- When a school has operated under a desegregation order in good faith to the greatest extent that is reasonably practicable racial imbalances that still exist are no longer vestiges of de jure segregation

*Parents Involved in Community Schools v. Seattle District No. 1* (2007)

- Use of an integration tiebreaker in an open choice, noncompetitive, public high school assignment plan in order to maintain a unitary desegregated system is not narrowly tailored enough to meet a compelling state interest in diversity

## **Appendix B: Definition of Terms**

Charter School – A school that has been granted a charter by the North Carolina State Board of Education in accordance with N.C.G.S. § 115C-238.29A-K

De Facto Segregation – Segregation by fact or choice e.g. segregation that mimics housing patterns

De Jure Segregation – Segregation enforced by law

Desegregating Policy Lever – A policy that incentivizes states, school, or individuals to affirmatively desegregate students

Dual system – A system of schooling (district or state) that by law explicitly segregates students, teachers, and/or staff and has not yet acted in good faith enough to erase vestiges of the de jure system

Freedom of choice – student assignment plan in which parents are free to choose any school for their student (within stated constraints: within district, among magnet schools, charter schools, etc.)

Post-Racialism – The belief that racism and the policies it supported are no longer at issue in society

Resegregating Policy Lever - A policy that incentivizes states, school, or individuals to passively resegregate students

School choice – The idea that parents have the agency and right to choose a type of schooling for their students

Unitary status – Judicially granted mandate that relieves a district or state of its formal desegregation order

Unitary system – A school system in which all vestiges of de jure segregation have been eliminated

## Appendix C: Interview Protocol

### Interview Protocol

60 minutes

Thank you again for agreeing to participate in this study. Again I want to emphasize that your participation is completely voluntary. What you say in this interview will be recorded but your name will not be used in any report of it or publications that may result. If you like we could use a pseudonym in our conversation today, many find it easiest to use their father or mother's name. Every effort will be made to ensure the confidentiality of this interview. Once complete, I will download the file from this audio recorder onto my computer and delete the original file. I will then use software to transcribe the interview and delete the audio file. In the transcription I will use the pseudonym you chose or an ID number. There will be no documents that link your name to the transcription of the interview. Please take a moment to read over the consent form. If you would still like to participate please sign each copy, one for you and one for me.

*Turn recorder on*

1. How did you start working in education?
2. How did you come to work at this school?
3. Do you have any children? What type of school do/did they attend?
4. What do you do in your everyday duties to recruit new families?
5. What do you see as the biggest obstacle to new families trying to attend your school?
6. Do you think the school is diverse? In what ways? In what ways is it not?
7. What are the risks and rewards to the school becoming more diverse?
8. What do you anticipate as being the primary concern for stakeholders in the school: Parents, teachers, students once this economic diversity priority is implemented?

Thank you for your time to conduct this interview. I appreciate all of your candid responses; this will help a great deal with my masters work. Please hold on to your copy of the consent form. It has my contact information as well as the contact information for the Institutional Review Board that oversees research at UNC. If you have any questions or concerns please feel free to contact either. Thank you again and have a nice day.

## **Appendix D: Observation Protocol**

### Observation Guide

Setting—Describe the setting & draw a sketch

Time:

Date:

Location:

#### Participants

Who is present? Who is leading the meeting? How many teachers, parents, administrators, board members, etc. are present? (Late comers)

#### Events

What is on the agenda for the meeting (get a copy)? Who led each item on the agenda? Was there time for open discussion? Record amount of time spent on each item of the agenda. Heated discussion? Divergent and Convergent thinking? Consensus building?

#### Lottery Procedure

How many applicants? How many spots? Which grades? How many people present? Waitlist? Agenda? Who led the procedure? How were they randomized? Children present? Reactions? How do they describe economic diversity lottery? Questions and answers?

#### Town Hall

How many people present? Who led the meeting? Agenda? Parent Comments? Teacher Comments? Community member comments? Board member comments? Topics: convergent and divergent ideas? Consensus building? Questions raised? Heated debate?

\* Collect and agenda or materials given to participants at each event

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