

# Looking to the Future

## *Legal and Policy Options for Racially Integrated Education in the South and the Nation*

**April 2, 2009**

George Watts Hill Alumni Center  
Chapel Hill, North Carolina

### **Conveners**

The Center for Civil Rights at the  
UNC School of Law

The Civil Rights Project/  
Proyecto Derechos Civiles at UCLA

The Education Policy and Evaluation  
Center at the University of Georgia

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**Robert Bifulco, Jr.**  
Syracuse University



**John Charles Boger**  
University of North Carolina-  
Chapel Hill



**Kristi Bowman**  
Michigan State University



**John Brittain**  
Lawyers' Committee for Civil  
Rights Under Law



**Julius L. Chambers**  
University of North Carolina-  
Chapel Hill



**Charles E. Daye**  
University of North Carolina-  
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**Elizabeth DeBray-Pelot**  
University of Georgia



**Erica Frankenberg**  
University of California-  
Los Angeles



**William Glenn**  
Virginia Polytechnic Institute  
and State University



**Danielle Holley-Walker**  
University of South Carolina



**Jennifer Jellison Holme**  
University of Texas-Austin



**Kimberly Jenkins Robinson**  
Emory University



**Richard Kahlenberg**  
The Century Foundation



**Chinh Q. Le**  
Seton Hall University



**Roslyn Arin Mickelson**  
University of North Carolina-  
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**Douglas Ready**  
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**Sean Reardon**  
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**Genevieve Siegel-Hawley**  
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**Claire Smrekar**  
Vanderbilt University



**Stephen Samuel Smith**  
Winthrop University



**Amy Stuart Wells**  
Columbia University



**Kevin Welner**  
University of Colorado-  
Boulder



**Shenea Williams**  
University of Georgia

“The last half-century has witnessed great strides toward racial equality, but we have not yet realized the promise of *Brown*.”

*Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1* (2007) (Breyer, J., dissenting)



# About the Conference

## Our Conveners

### The UNC Center for Civil Rights

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

### The Civil Rights Project/Proyecto Derechos Civiles at UCLA

Founded in 1996 by former Harvard professors Gary Orfield and Christopher Edley Jr., the Civil Rights Project/Proyecto Derechos Civiles is now co-directed by Orfield and Patricia Gándara, professors at UCLA. Its mission is to create a new generation of research in social science and law, on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. It has commissioned more than 400 studies, published 14 books and issued numerous reports from authors at universities and research centers across the country. The Supreme Court, in its 2003 *Grutter v. Bollinger* decision upholding affirmative action, cited the Civil Rights Project's research.

### The Education Policy and Evaluation Center at the University of Georgia

The Education Policy and Evaluation Center in the College of Education at the University of Georgia supports rigorous research on policy and evaluation to improve education. EPEC provides evaluation expertise to assess educational programs, assists policy makers and educators to expand knowledge of policy options, and disseminates research on education policy issues. Dr. Allan Cohen serves as EPEC's Interim Director and Dr. Elizabeth Debray-Pelot serves as the Associate Director for Policy.

When federal courts began vigorously enforcing the *Brown v. Board of Education* decision in the late 1960s, Southern public schools became the most integrated in the country and held that distinction for more than thirty years. Recently, schools in the South, and throughout the United States, have experienced rapid resegregation, disproportionately excluding the growing population of African American and Latino students from equal educational opportunities and access to social capital.

This conference focuses on the future of public education in the wake of the United States Supreme Court's 2007 decision in *Parents Involved in Community Schools v. Seattle School District No. 1 (PICS)*. The *PICS* decision is widely known for placing limits on what school districts can do to voluntarily pursue racially integrated schools. But the *PICS* decision also is important for what it left in place. In *PICS*, a majority of justices affirmed that school districts have a compelling interest in operating racially integrated public schools. Even though *PICS* limits how schools districts may pursue voluntary integration, the decision, nonetheless, protects their fundamental right to craft creative integration plans for their local schools.

Today our nation stands at a crossroads. We can do nothing and allow a half century of legal and social victories for our nation's children to be reversed; or we can apply our knowledge to address the resegregation crisis. This conference will heighten scholarly understanding of the *PICS* decision and promote discussion about immediate and long-term policy options available to school districts across the nation for whom racial integration remains a priority.

**When:** Thursday, April 2, 2009  
8:00 a.m. – 5:30 p.m.

**Where:** George Watts Hill Alumni Center  
Chapel Hill, North Carolina

**Who Should Attend:** Scholars, researchers and students in the fields of education, public policy and the law; attorneys; legal and policy advocates; community leaders; journalists and political commentators; and members of the public interested in integrated education.





# Thursday, April 2, 2009

8:00–9:00 a.m.

## Registration/Breakfast

9:00–9:15 a.m.

## Welcome/Purposes

Julius L. Chambers, *University of North Carolina at Chapel Hill*

9:15–10:30 a.m.

## PANEL ONE: Making the Case for Racially Integrated Education

### Viable Desegregation Strategies: The Case of Connecticut

Robert Bifulco, Jr., *Syracuse University*

Casey Cobb, *University of Connecticut* and Courtney Bell, *Educational Testing Service*

### Integrated Education and Mathematics Outcomes

Roslyn Arlin Mickelson and Martha Bottia, *University of North Carolina at Charlotte*

### School Racial Composition and Young Children's Cognitive Development:

Isolating Family, Neighborhood, and School Influences

Douglas Ready and Megan Silander, *Columbia University*

### The Struggle for an Integrated Future: Coming to Terms with Courts' Anti-Majoritarian Limits and Shifting the Zone of Judicial Mediation

Kevin Welner, *University of Colorado at Boulder*

Discussant: Andrew Grant-Thomas, *Ohio State University*

Moderator: TBA

10:30 a.m.

## BREAK

10:40 a.m.–Noon

## PANEL TWO: Finding Viable Legal Strategies for Racial Equity Post-PICS

### Optional Equality: How the Supreme Court Rendered Equality Optional and a Proposed Response

Kimberly Jenkins Robinson, *Emory University*

### Examining the Effect of PICS on School District Responses to Desegregation Cases

Danielle Holley-Walker, *University of South Carolina*

### Pursuing Educational Opportunities for Latino Students

Kristi Bowman, *Michigan State University*

Discussants:

Maree Sneed, *Hogan and Hartson*

Dennis Parker, *American Civil Liberties Union*

Moderator: William Tobin, *Duke University*

Noon

## BREAK

12:15–1:15 p.m.

## LUNCH

### Introduction of Luncheon Keynote Speaker

John Brittain, *Lawyers' Committee for Civil Rights Under Law*

### Luncheon Keynote Address

Dean John Charles ("Jack") Boger, *University of North Carolina at Chapel Hill*

(CONTINUED ON NEXT PAGE)



1:20–2:25 p.m.

**PANEL THREE: Evaluating Socioeconomic Based Student Assignment Plans**

The Effects of Socioeconomic School Integration Policies on Racial School Desegregation

Sean Reardon and Lori Rhodes, *Stanford University*

Socioeconomic School Integration: Preliminary Lessons from More than 60 Districts

Richard Kahlenberg, *The Century Foundation*

Is Class Working: An Update on Socioeconomic Integration from Wake County, North Carolina and Cambridge, Massachusetts

Genevieve Siegel-Hawley, *University of California at Los Angeles*

To Turn Back Would be a Huge Mistake: Race, Class and Student Assignment in Wake County Public Schools

Sheneka Williams and Eric Houck, *University of Georgia*

Discussant: Douglas Lee Lauen, *University of North Carolina at Chapel Hill*

Moderator: Bill McNeal, *North Carolina Association of School Administrators*

2:25 p.m.

**BREAK**

2:35–3:40 p.m.

**PANEL FOUR: Building Political Will for Integrated Schools Post-PICS**

Still Swimming Against the Resegregation Tide? A Suburban Southern School District in the Aftermath of PICS

Stephen Samuel Smith, *Winthrop University*

The Applicability of the Omaha Learning Community Agreement to Other Contexts

Jennifer Jellison Holme, Sarah Diem and Katherine Cumings Mansfield, *University of Texas at Austin*

School Choice as a Civil Right: The Political History of a Claim and Its Implications for Racially Integrated Education

Janelle Scott, *University of California at Berkeley*

The Double Consciousness of Adult Graduates of Southern Schools: The Meaning of Lives Lived from Massive Resistance to Desegregation and Back Again

Amy Stuart Wells, Jacquelyn Duran and Terrenda White, *Columbia University*

Discussant: Larry Parker, *University of Illinois at Urbana-Champaign*

Moderator: Susan Eaton, *Harvard University*

3:40 p.m.

**BREAK**

3:50–5:30 p.m.

**PANEL FIVE: Achieving Racial Equity through Strategic Public Policies**

Altering Grade Configurations in Virginia Schools: Reducing School Segregation Without Explicitly Considering Race

William Glenn, *Virginia Polytechnic Institute and State University*

Federal Legislation to Promote Metropolitan Approaches to Educational and Housing Opportunity in the South

Elizabeth DeBray-Pelot, *University of Georgia*

Erica Frankenberg, *University of California at Los Angeles*

Rethinking Magnet School Policies and Practices: A Response to Declining Diversity & Judicial Constraints

Claire Smrekar and Ellen Goldring, *Vanderbilt University*

Racially Integrated Education and the Role of the Federal Government

Chinh Q. Le, *Seton Hall University*

Discussants:

Anurima Bhargava, *NAACP Legal Defense and Educational Fund, Inc.*

Philip Tegeler, *Poverty & Race Research Action Council*

Moderator: Charles Daye, *University of North Carolina at Chapel Hill*



# Conference Participants



**Robert Bifulco, Jr.** is an Associate Professor of Public Administration at Syracuse University's Maxwell School of Citizenship and Public Affairs. Previously, Dr. Bifulco was a faculty member at the University of Connecticut and a post-doc at Duke University's Sanford Institute of Public Policy. His research focuses on measuring school performance, whole-school reform, educational resource disparities, charter schools, the effects of school choice on racial segregation, and the effects of racial segregation on long-term student outcomes. Bifulco is a graduate of Syracuse, Rice, and Bucknell universities.

**John Charles Boger** is Dean and the Wade Edwards Distinguished Professor of Law at the University of North Carolina at Chapel Hill School of Law. He formerly was Deputy Director of the UNC Center for Civil Rights. Dean Boger, a former assistant counsel with the NAACP Legal Defense & Educational Fund, Inc., has represented parties and *amici* in various school resource/finance cases in Connecticut and North Carolina. Dean Boger is a graduate of Duke University, Yale Divinity School and the University of North Carolina at Chapel Hill School of Law.

**Kristi L. Bowman** is an Associate Professor of Law at Michigan State University College of Law. With academic interests in education law and policy and constitutional law, Professor Bowman has published numerous articles examining issues including teaching evolution in public schools, students' free speech rights, public schools' role during disaster relief, and school desegregation. Bowman is a graduate of Drake and Duke universities.

**John Brittain** is Chief Counsel and Deputy Director of the Lawyers' Committee for Civil Rights Under Law. He also is the former dean of the Thurgood Marshall School of Law at Texas Southern University. A civil rights attorney renowned for winning school desegregation decrees in Mississippi and crafting the *Sheff v. O'Neill* lawsuit in Connecticut, Brittain has written widely as a scholar on civil rights issues, served as national President of the National Lawyers' Guild and under-

taken human rights investigations in Haiti, Northern Ireland, Nicaragua, Cuba, Puerto Rico and Mexico. Brittain earned his B.A. and J.D. degrees from Howard University.

**Julius L. Chambers** is Executive Director of the Center for Civil Rights and Clinical Professor of Law at the University of North Carolina at Chapel Hill School of Law. He co-founded the nation's first integrated civil rights law firm, winning seminal victories before the United States Supreme Court, including in the fields of school desegregation, employment discrimination, prisoners' rights and voting rights. In 1984, Chambers was named Director-Counsel of the NAACP Legal Defense & Educational Fund, Inc. He also served as Chancellor of North Carolina Central University. Chambers is a graduate of North Carolina Central University, University of North Carolina School of Law, University of Michigan, and Columbia University Law School.

**Charles E. Daye** is Deputy Director of the Center for Civil Rights and Henry Brandis Professor of Law at the University of North Carolina School of Law where he teaches torts, housing and community development law, as well as administrative process and advocacy. He is the senior editor of a course book, *Housing and Community Development*. The first African American to serve as law clerk for the Sixth Circuit Court of Appeals, Daye has served as Dean of the North Carolina Central University School of Law and President of the Law School Admissions Council. He is a graduate of North Carolina Central University and Columbia Law School.

**Elizabeth DeBray-Pelot** is an Associate Professor in the Department of Lifelong Education Administration and Policy in the College of Education, and the Associate Director for Policy at the Georgia Education Policy and Evaluation Center at the University of Georgia. DeBray-Pelot served as a research assistant with the Consortium for Policy Research in Education and as a research associate with the Civil Rights Project at Harvard University. Her interests include the implementation and effects of federal and state elementary and secondary school policies and the politics of education. She has authored articles on desegregation of high schools, school choice, organizational responses of high schools to accountability policies, and compensatory education. She received her doctorate from the Harvard Graduate School of Education.

**Erica Frankenberg** is the Research and Policy Director for the Initiative on School Integration at the Civil Rights Project/Proyecto Derechos Civiles at UCLA. She recently received her doctorate in educational policy at the Harvard University Graduate School of Education. Her research interests focus on racial desegregation and inequality in K-12 schools and the connections between school segregation and other metropolitan policies. She received her A.B., cum laude, from Dartmouth College and received high honors for her thesis in education

policy. She also received a M.Ed. in Administration, Planning, and Social Policy from Harvard and was a post-doctoral fellow at Michigan State University.

**William J. Glenn** is an Assistant Professor of Educational Leadership and Policy Studies in the School of Education at Virginia Polytechnic Institute and State University, National Capital Region. His research focuses on quantitative analysis of the legal, economic and political variables related to schools and students, including school finance litigation and desegregation and achievement gaps related to race, poverty and gender. Dr. Glenn previously litigated at Mayer Brown (formerly Mayer, Brown, & Platt) and taught elementary school in the Pasadena, California Unified School District. Glenn is a graduate of the Rossier School of Education at the University of Southern California, and Berkeley School of Law at the University of California.

**Danielle Holley-Walker** teaches Civil Procedure I and II, Race and the Law, Administrative Law, and Federal Practice at the University of South Carolina School of Law. Professor Holley-Walker has published numerous articles on issues of civil rights and education, including recent articles on the No Child Left Behind Act, charter school policy, desegregation plans, and affirmative action in higher education. Her ongoing research agenda focuses on issues of educational equity and the governance of public schools. Before joining the University of South Carolina faculty, Professor Holley-Walker taught at Hofstra University School of Law. Prior to beginning her teaching career, Professor Holley-Walker practiced civil litigation at Fulbright & Jaworski, LLP in Houston, Texas. She also clerked for Judge Carl E. Stewart of the United States Court of Appeals for the Fifth Circuit. Professor Holley-Walker is a graduate of Yale University and Harvard Law School.

**Jennifer Jellison Holme** is an Assistant Professor of Educational Policy and Planning in the Department of Educational Administration at the University of Texas at Austin. Dr. Holme researches the politics and implementation of educational policy, with a particular emphasis on the relationship between school reform, equity, and diversity in schools. Holme currently leads an investigation of regional solutions to educational inequality, with a focus on the Omaha Learning Community reform and studies the implementation of high school exit testing in high-poverty high schools. Holme is a graduate of the University of California, Los Angeles and Harvard Graduate School of Education.

**Richard D. Kahlenberg** is a Senior Fellow at The Century Foundation, where he writes about education, equal opportunity, and civil rights. Previously, Kahlenberg was a Fellow at the Center for National Policy, a Visiting Associate Professor of Constitutional Law at George Washington University, and a Legislative Assistant to Senator Charles S. Robb (D-VA). Kahlenberg is a graduate of Harvard University and Harvard University Law School.

(CONTINUED ON NEXT PAGE)





**Chinh Q. Le** is a Practitioner in Residence with the Center for Social Justice at Seton Hall University School of Law. His current work involves litigation, advocacy, and research on urban revitalization issues, with a focus on housing and education. Between 2001 and 2006, Le was Assistant Counsel at the NAACP Legal Defense & Educational Fund, Inc., where he litigated civil rights cases related to school desegregation, educational equity, higher education affirmative action, and voting rights. Immediately prior to joining the clinical faculty of Seton Hall, he was a litigation attorney at Jenner & Block LLP. Le is a graduate of the University of Virginia School of Law.

**Roslyn Arlin Mickelson** is a Professor of Sociology and Public Policy at the University of North Carolina at Charlotte. Mickelson has published widely on the political economy of schooling and school reform and has investigated school reform in the Charlotte-Mecklenburg Schools since 1988. Currently, Mickelson is writing a book synthesizing social and behavioral science research on the effects of school and classroom composition on educational outcomes. Previously, Mickelson taught social studies in a southern California urban high school. Mickelson is a graduate of the University of California, Los Angeles.

**Douglas D. Ready** is an Assistant Professor at Teachers College, Columbia University. His research examines the influence of policies and practices on educational equity and access. In particular, this work focuses on racial/ethnic and social class disparities in young children's cognitive development. Representative publications have appeared in *Educational Evaluation and Policy Analysis*, *American Journal of Education*, *Sociology of Education*, *Teachers College Record*, *Elementary School Journal*, *Journal of Education for Students Placed at Risk* and the Brookings Institution's *Papers on Education Policy*. Ready is a graduate of Michigan, Virginia, and Rochester universities.

**Sean Reardon** is an Associate Professor of Education and Sociology at Stanford University. Professor Reardon's research focuses broadly on educational policy and inequality. His primary research examines the relative contribution of family, school, and neighborhood environments to racial/ethnic and socioeconomic achievement disparities. His current research includes studying achievement gap patterns and trends and investigating the impact of socioeconomic integration plans and court-ordered desegregation plans on segregation and achievement gaps. He also studies high stakes exit exams in California. Reardon is a graduate of Harvard University Graduate School of Education.

**Kimberly Jenkins Robinson** is a Professor of Education Law and Policy and Civil Procedure at Emory University School of Law. She has garnered extensive litigation experience from her work for the Office of the General Counsel of the U.S. Department of Education and Hogan & Hartson, L.L.P., in Washington, D.C. Robinson's legal practice focused on litigation and policy issues regarding race, sex, national origin and disability discrimination in public schools and universities as well as education finance. Previously, she clerked for the Honorable James R. Browning of the United States Court of Appeals for the Ninth Circuit. Robinson is a graduate of the University of Virginia and Harvard Law School.

**Janelle Scott** is an Assistant Professor in the Graduate School of Education and the Department of African American Studies at the University of California at Berkeley. Scott's academic pursuits center on the racial politics of public education, the politics of school choice, and the role of private sector actors and elites in shaping urban public education policies. Her current

research examines the relationship between philanthropy and school choice policy in urban communities. She formerly taught elementary school in the Oakland, California school district. Scott is a graduate of the University of California at Berkeley and the University of California at Los Angeles.

**Genevieve Siegel-Hawley** is a doctoral student in Urban Schooling at the University of California, Los Angeles' Graduate School of Education and Information Studies. Her research examines the impact of segregation and resegregation in American schools and explores viable policy options for a truly integrated society. Siegel-Hawley was a research assistant at the U.S. Department of Education's Office for Civil Rights where she developed data on court-ordered school systems and analyzed data from thirty years of survey collection in the *Elementary & Secondary School Civil Rights Compliance Report*. She is a graduate of the University of Virginia, Johns Hopkins and Harvard universities.

**Stephen Samuel Smith** is a Professor of Political Science at Winthrop University. He served as an expert witness for the NAACP's Legal Defense and Educational Fund, Inc. in the reopened *Swann* litigation. Smith is the author of *Boom for Whom? Education, Desegregation, and Development in Charlotte* (SUNY Press, 2004) and many articles and chapters dealing with the politics of education and with problems in the social capital literature. Smith is a graduate of Stanford University.

**Claire Smrekar** is an Associate Professor of Public Policy and Education at Vanderbilt University. Her research focuses upon the social context of education and education policy, with specific reference to the intersection of desegregation plans and choice policy on families, schools, and neighborhoods. Professor Smrekar is the author of three books, most recently: *From the Courtroom to the Classroom: The Shifting Landscape of School Desegregation*, with Ellen Goldring (in press), Cambridge, MA: Harvard Education Press. Smrekar is a graduate of Stanford University.

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

**Kevin G. Welner** is Director of the Education and the Public Interest Center (EPIC) and an Associate Professor at the University of Colorado at Boulder. He is a recipient of the AERA's Early Career and Palmer O. Johnson Awards, the Rockefeller Foundation's Bellagio Residency, and the NAEd/Spencer Post-Doctoral Fellowship. His research interests and publications focus on education policy and finance and education law. Welner is a graduate of the University of California at Santa Barbara and the School of Law at the University of California at Los Angeles.

**Sheneka M. Williams** is an Assistant Professor in the Department of Lifelong Education, Administration, and Policy in the College of Education at the University of Georgia. She teaches Educational Policy Analysis and School and Community Relations. She also is a policy research fellow at Georgia's Education Policy and Evaluation Center. Her research interests include student assignment policies, school governance, and school and community relations. Dr. Williams is a graduate of the Department of Leadership, Policy, and Organizations at Peabody College, Vanderbilt University.

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

**On the Web:**

<http://www.law.unc.edu/civilrights>

**By Phone**

(919) 843-3921

**By Fax**

(919) 843-8784

**By Mail**

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*Looking to the Future:  
Legal and Policy Options  
for Racially Integrated  
Education in the  
South and the Nation*

April 2, 2009

# Registration

## **You May Register:**



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Please visit: <http://law.unc.edu/centers/civilrights/conferences>

## General Information

### **Conference Location**

*Looking to the Future: Legal and Policy Options for Racially Integrated Education in the South and the Nation* will be held at the George Watts Hill Alumni Center, located on the UNC-Chapel Hill campus. The Alumni Center is located on Stadium Drive.

### **Parking**

Parking is available in the Rams Head Parking Deck on Ridge Road at a rate of \$1.25 per hour. The Alumni Center is located approximately 20 miles from Raleigh/Durham International Airport. Directions will accompany the electronic registration confirmation.

### **Registration Fee**

\$50 General Registration  
\$85 NC CLE Registration\*  
\$50 Out of State CLE Registration\*  
\$10 Student Registration

*\*Credit hours to be determined*

The registration fee includes continental breakfast, lunch and conference materials.

**Registration Deadline: Friday, March 20, 2009**

### **Cancellations**

Cancellations will be honored if received on or before March 20, 2009. No refunds will be given for cancellations made after this date. Confirmed participants who do not attend the program are responsible for the entire fee.

### **Questions**

If you have any questions, contact the UNC Center for Civil Rights at (919) 843-3921 or [civilrights@unc.edu](mailto:civilrights@unc.edu).

### **Accommodations**

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

#### **Holiday Inn Express\***

6119 Farrington Rd.  
(919) 489-7555 or (800) 465-4329  
Reservation Code: UCR

#### **Hampton Inn\***

6121 Farrington Rd.  
(919) 403-8700 or (800) 426-7866  
Reservation Code: UCR

#### **Courtyard Marriott\***

100 Marriott Way  
(919) 883-0700  
Reservation Code: LAWLAWA or LAWLAWB

#### **Best Western University Inn**

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

#### **The Carolina Inn**

211 Pittsboro St.  
(919) 933-2001

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1312 N. Fordham Blvd.  
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