

NORTH CAROLINA COURT OF APPEALS

LATONYA SILVER, individually)
 and as guardian ad litem of BRIANNA)
 SILVER, LARRY SILVER III, and)
 DOMINICK SILVER; BRENDA)
 SLEDGE, individually and as guardian)
 ad litem of ALICIA JONES; FELICIA)
 SCOTT, individually and as guardian)
 ad litem of JAMIER SCOTT;)
 COALITION FOR EDUCATION)
 AND ECONOMIC SECURITY;)
 HALIFAX COUNTY BRANCH)
 #5401, NATIONAL ASSOCIATION)
 FOR THE ADVANCEMENT OF)
 COLORED PEOPLE,)
)
 Plaintiffs,)
)
 v.)
)
 THE HALIFAX COUNTY BOARD OF)
 COMMISSIONERS)
)
 Defendant.)
)

From Halifax County
No. 15 CVS 767

**BRIEF OF AMICUS CURIAE
LEGAL AID OF NORTH CAROLINA, INC., AND
PUBLIC SCHOOLS FIRST NC**

IN SUPPORT OF PLAINTIFF-APPELLANTS

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INTRODUCTION

In 2014, Daryl graduated from Northwest High School in Halifax County Public Schools (HCPS). After twelve years in HCPS's schools, he could read on a fourth grade level and his other academic skills were at a comparable level. While Daryl was in high school his parents asked the school for help, but school teachers and administrators said they did not have any programs available. After graduation, Daryl's parents contacted the U.S. Department of Education's Office for Civil Rights. After an investigation, HCPS admitted it never properly evaluated or served Daryl because it lacked the staff to do so. Since graduating, Daryl has spent two years taking remedial classes at the community college, with significant practical and financial assistance from his family. He is still years away from having the skills needed to continue his post-secondary education or secure adequate employment.¹

In 1997, the North Carolina Supreme Court confirmed that every child residing in this state was endowed with a fundamental state constitutional right to the "opportunity to receive a sound basic education." *Leandro v. State*, 346 N.C.

¹ The students described in this brief are former and current clients of *amici* Legal Aid of North Carolina, Inc. (LANC). Their stories are shared here to illustrate the depth and severity of the constitutional deprivations experienced by children in Halifax, particularly in Halifax County Public Schools (HCPS). Although LANC staff attorneys have represented students in all three Halifax districts, the data identifies HCPS students as having the lowest test scores, highest suspension rates, and lowest graduation rates. For that reason, LANC's outreach and representation has been focused in that district. Since individual relief for these children is not being sought in this case, identifying details have been omitted and individual names have been changed.

336, 347, 488 S.E.2d 249, 255 (1997). The Court defined a sound basic education as one that would provide children with the skills necessary “to participate and compete in the society in which they live and work.” *Id.* at 345, 254. However, nearly twenty years later, the Halifax County Board of County Commissioners have denied not only the named Plaintiffs but other children like Daryl, who reside in Halifax County, this constitutional guarantee.

Leandro made clear that the State has an independent responsibility to fund a system of education that will provide a sound basic education for all children in North Carolina. *See id.* at 353, 258. However, this case is not about the duties of the State. The instant case is about the Halifax County Board of County Commissioners (“BOCC”), which is impeding the fundamental rights of Halifax children by maintaining a three-district educational system that distributes resources to the separate districts in a manner which undercuts those children’s opportunity to receive a sound basic education. Moreover, the trial court’s dismissal of Plaintiffs’ Complaint prevents any redress for the named Plaintiffs as well as any other children living in Halifax County.

Plaintiffs allege that by maintaining an inequitably funded and racially identifiable tripartite school system, the BOCC is infringing on the fundamental right of Halifax children to receive a sound basic education. *See generally* Compl.

¶¶ 26-124; Compl. Clm. 1 ¶¶ 1-5; Compl. Clm. 2 ¶¶ 1-5. In this Brief, the *amici* will identify the short-term and long-term impacts of the BOCC's actions on its most vulnerable citizens and illustrate that, without court action, the children of Halifax will continue to be denied their constitutional guarantee of the opportunity for a sound basic education each and every school year.

ARGUMENT

I. THE HALIFAX COUNTY BOARD OF COUNTY COMMISSIONERS' MAINTENANCE OF THREE INEQUITABLY RESOURCED SCHOOL DISTRICTS DENIES CHILDREN IN HALIFAX COUNTY THE CONSTITUTIONAL GUARANTEE OF A SOUND BASIC EDUCATION.

Plaintiffs include three families whose children have been denied access to a sound basic education in Halifax County. However, the harm caused by the BOCC's flawed education system extends far beyond these three families. The students of Halifax must constantly fight for even the most basic educational protections and suffer harms that will burden them for the rest of their lives. Notably, these burdens fall heaviest on students of color and low-income students – the very groups identified by the North Carolina Supreme Court as being “at-risk” and requiring additional protections so as to ensure access to a sound basic education. *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 636 n.16, 599 S.E.2d 365, 389 n.16 (2004) (defining “at-risk” students as those who (1) come from low-

income families; (2) qualify for free or reduced-cost lunch; (3) have parents with a low-level education; (4) are limited English proficient; (5) are a racial or ethnic minority group; (6) live in a single-parent home parent). As the following sections illustrate, students, especially at-risk students, in Halifax County are being summarily denied access to a sound basic education across every school and grade.

A. The inequitable distribution of resources across the three school districts in Halifax County results in significant, negative impacts on students' academic achievement.

The results of 2014 state testing show poor academic performance in all three Halifax school districts. About a third of students in HCPS and Weldon City Schools (“WCS”) demonstrated grade level proficiency and only around half the students in Roanoke Rapids Graded School District (“RRGSD”) were on grade level. Pub. Sch. of N.C., State Bd. of Educ., Dep’t. of Pub. Instruction, Report: 2014-2015 State, District, and School Level Summary Data <http://www.ncpublicschools.org/accountability/reporting/> (last visited May 4, 2016). Additionally, HCPS had one of the highest dropout rates in the state in 2014-2015. Pub. Sch. of N.C., State Bd. of Educ., Dep’t. of Pub. Instruction, Report to the N.C. Gen. Assembly, Consol. Data Report, 2014-2015, 131 <http://www.dpi.state.nc.us/docs/research/discipline/reports/consolidated/2014-15/consolidated-report.pdf> (March 15, 2016) (2016) [hereinafter *Consol. Data*

Report]. The data shows the crushing impact the BOCC's tripartite system has on students, especially those in HCPS, the most segregated and under-resourced district in Halifax. However, the data is not the full story. The following student experiences illustrate the impossible situation students face when trying to access a sound basic education in Halifax.

For example, Amy is a low-income, student of color in HCPS. She is a high school senior and plans to enter the Navy after graduation so she can eventually pay for college. She generally does well in her classes, but struggles with math. During her senior year, Amy's math teacher was a Teach for America fellow, who had less than a year of teaching experience and was still taking courses to fully qualify as a teacher. Even though Amy only needed support in a single subject to graduate, additional instruction in math was not provided because HCPS lacked resources to hire a qualified math teacher that could meet her needs.

Jamie, a low-income, middle school student of color in HCPS, faced similar barriers. Jamie has a learning disability and her Individualized Education Program calls for a one-on-one aide to assist her for most of the day. However, HCPS did not provide an aide to Jamie, but rather assigned her to a staff member who was also responsible for providing aid to several other students in the class. Given the staff member's demanding workload, Jamie's needs were not met. As a result,

Jaime invariably fell behind in her coursework, leading to disturbances in class and, eventually, suspensions. At a meeting to address Jaime's struggles, staff admitted that lack of special education staff directly contributed to Jaime's ability to be successful at school. But HCPS offered no additional help and Jamie was not able to pass all her classes or her end-of-grade exams.

Lack of adequate staff also impacted Daniel, a low-income, elementary school student of color who recently enrolled in HCPS from another state. Previously, Daniel received special education services that included speech therapy. However, HCPS told the family it lacked staff to convene the meetings and evaluations needed to initiate services for Daniel. Instead, it offered to provide him with some speech therapy "under the table," meaning when the speech therapist had extra time to provide those services and without any of the required documentation or protections disabled students are entitled to under law.

Under the BOCC's three-district system, inequitable and inadequate resources prevent HCPS from having even the most basic structures in place to ensure students' needs are met as required under state and federal law. Since all three districts maintain entirely separate staff, there is no flexibility to address unanticipated student needs that may arise throughout the year. Additionally, more teachers, aides and support staff could be available if the three districts pooled

resources, since there would be a reduction of overhead and administrative costs. Needed special programs could become financially tenable if students from a wider population were included. Evergreen Solutions, LLC., *Operational Improvements in Halifax School Districts*, p. 6-23 available at http://www.halifaxnc.com/index.php?option=com_content&view=article&id=153:evergreen-solutions-operational-improvements-in-halifax-school-districts&catid=44:halifax-county-nc-county-managers-office&Itemid=37 (Oct. 1, 2012) [hereinafter *Evergreen Report*] (recommending interdistrict cooperation to effectively serve all students).

The BOCC's current distribution of educational resources prevents efficient allocation between the districts. The result is many students, most of whom are considered "at-risk", fail to reach graduation or, if they graduate, lack skills needed to live and work.

B. The inequitable distribution of resources across the three school districts in Halifax County results in significant, negative harms on students due to disparate access to adequate alternative education services.

The BOCC's inequitable distribution of education resources in Halifax County is most striking in the three districts' treatment of student misbehavior and the availability of alternative education services during suspension. In short, WCS and RRGSD are able to provide alternative education services to its students while,

historically, HCPS cannot. Further, even though WCS has an alternative learning program, suspension is still a substantial problem in the district due to lack of positive behavior interventions and in-school alternatives. Out of 115 school districts, HCPS and WCS were both listed in the top ten for districts with the highest rates of grade 9-13 short-term (10 days or less) suspensions. *Consol. Data Report*, at 3. Meanwhile, the better funded RRGSD reported one of the largest three-year percentage decreases in the state in rates of grade 9-13 short-term suspensions. *Id.* RRGSD is also able to offer alternative education services to students who are long-term suspended (over 10 days).

HCPS's lack of alternatives to suspension negatively impacts HCPS's most vulnerable students. For example, Adam was a low-income, high school student of color residing in a group home in Halifax County when he was long-term suspended from HCPS. The school told Adam that it did not have the resources to provide alternative education during his suspension. Because Adam had been placed in state custody by an order requiring school attendance, the Department of Social Services was forced to transfer Adam to a different group home in a district that could provide alternative education, even though Adam had been making positive social progress and connections over the previous months in his Halifax placement.

Similarly, when an incident at school resulted in Peter, a HCPS fifth grader, being recommended for long-term suspension, he was also denied access to any alternative education. Instead, Peter had to stay home with his mother, delaying his education and reducing his family's income because his mother was not able to work.

This lack of alternative education for suspended students in HCPS is a direct outcome of the BOCC's inequitable allocation of resources among the three districts. When a student is recommended for long-term suspension, the district must offer the student alternative education services during the suspension unless there is an important or significant reason why they cannot be offered. *See King v. Beaufort County Bd. of Educ.*, 364 N.C. 368, 377; 704 S.E.2d 259, 265 (2010); N.C.G.S. § 115C-390.9(a). Peter and Adam were denied alternative education, not because they were a threat to school safety or because their actions were dangerous. Instead, they were denied access simply because HCPS could not afford to run an alternative program for suspended students. If Peter's parents had lived a few miles over in the WCS district or Adam had been placed in a group home in the RRGSD, they likely would have been afforded the opportunity to attend an alternative program. WCS and RRGSD both had alternative programs at the time of Adam and Peter's suspensions. These programs were less than ten

miles from these student's homes, but due to the irrational divisions in Halifax County, they could not access them. An independent report commissioned by the BOCC in 2012 identified this very issue as problematic and recommended a shared alternative school between all three school districts as a means to improve services and decrease costs. *Evergreen Report* at p. 4-24.

In the 2015-2016 school year, HCPS started offering a limited night school for a small number of students at their high school. However, this program, which lacks sufficient resources and an appropriate facility, is structurally deficient compared to the alternative programs elsewhere in the county. It leaves students without any positive interaction during the school day and does not have the resources to provide students with the alternative education available just a few miles away. Ultimately, the BOCC's distribution of resources makes it impossible for HCPS to provide the additional protections needed for at-risk suspended students. As a result, these students have no access to a sound basic education during their suspension.

C. The systemic inequalities inherent in Halifax County's tripartite school system disproportionately impact the ability of at-risk students in Halifax to receive a sound basic education.

Students of color and low-income students that are heavily concentrated in the poorly funded HCPS and WCS are "at-risk" and entitled to additional

protections to ensure they receive a sound basic education. *See Hoke County Bd. of Educ. v. State*, 599 S.E.2d 365, 358 N.C. 605 (2004). In *Hoke*, the North Carolina Supreme Court noted the inherent special needs and accompanying protections that exist for “at-risk” students to avail themselves of this constitutional right. *Id.* at 391. Rather than receiving these added protections, the exact opposite is occurring. Nowhere is this more evident than Halifax’s school-to-prison pipeline.

The school-to-prison pipeline is the combination of policies, practices, and procedures implemented in schools that incrementally channel children—disproportionately Black children—from the classroom to the juvenile, and then the criminal, justice system. Instead of addressing misbehavior in school, teachers, administrators, and school resource officers direct children to the courts. Schoolyard squabbles that used to result in after-school detention now end up in arrests.

In Halifax County, “at-risk” students are being funneled through the pipeline at alarming rates. HCPS is 85% Black and 4% White, WCS is 94% Black and 4% White, and RRGSD is 26% Black and 65% White. *Data & Reports-Student Accounting, Grade, Race, Sex, 2014-2015*, N.C. Dep’t. of Pub. Instruction, <http://www.dpi.state.nc.us/fbs/accounting/data/> (last visited Apr. 30, 2016). Black students accounted for 92% of short-term suspensions in HCPS and 99% of short-

term suspensions in WCS. *Consol. Data Report* at pp. 65-66. In RRGSD, Black students accounted for 58% of short-term suspensions, while only 32% were against White students. *Id.* Across every Halifax district, Black children received a disproportionate share of suspensions. Even in RRGSD, where Black students were an overwhelming minority, they were still the majority of suspended students. Further, 52% of all juvenile complaints received in Halifax County for FY 2014-2015 were school-based, and Black students accounted for 92% of those complaints. N.C. Dep't. of Pub. Safety, Div. of Adult Correction & Juvenile Justice, SR1508-04, County and Statewide School Based Delinquency Complaints 2 (2015). When considered collectively, these disparities suggest all districts in Halifax lack adequate resources to ensure discipline is fair and equitable.

While Black students fare worse in every district, the negative outcomes for Black students in HCPS and WCS are exacerbated due to the lack of resources. Under-qualified and under-paid teachers do not have the resources needed to meet students' basic academic needs, much less their social, emotional and behavioral needs. In 2014-2015, there was only one student placed in an alternative learning program (ALP) for disciplinary reasons in HCPS and WCS, the two majority black school systems that experienced the highest number of suspensions. Meanwhile, the majority white RRGSD, with fewer suspensions and fewer "at-

risk” students, offered six students the opportunity to attend an ALP rather than face suspension. N.C. Dep't of Pub. Instruct. public records request response (rec'd March 5, 2016). The current structure maintains an imbalance of resources that disproportionately harms “at-risk” students because schools lack the tools to positively and effectively address student misbehavior. Instead of a last resort, suspension is the first response, which pushes students out of school and into the school-to-prison pipeline.

The socioeconomic implications of the BOCC’s tripartite school system on “at-risk” students must also be considered. The BOCC has created an environment where poverty is the defining demographic in its two primarily black school systems. By structuring the three school systems this way, it has created a rift where both lower-income and middle-income students are harmed by the lack of socioeconomic diversity. Research shows there is a direct relationship between individual student achievement and the amount of diversity within a school. For example, attending socioeconomically and racially integrated schools makes students of all socioeconomic statuses, races, ethnicities, and grade levels more likely to have higher performance in mathematics. R.S. Mickelson & M. Bottia, *Integrated Education and Mathematics Outcomes: A Synthesis of Social Science Research*, 87 N.C. L. Rev. 993 (2010).

Maintaining poor and segregated school districts leads to systemic inequality on many levels. Inferior facilities, resources, equipment, and teachers in the predominantly black school districts shades the minority student experience with a notion of inferiority. ACLU, *Minority Access to Education in the United States*, https://www.aclu.org/sites/default/files/images/racialjustice/asset_upload_file605_38107.pdf (December 7, 2008). Utilizing a funding scheme that unfairly sends money into the white school district while leaving black school districts underfunded only perpetuates cycles of inferiority complexes for black children.

The longer this harm goes unaddressed, the more the children in these school systems suffer and the more damaging the overall impact. The structural inequalities that exist in Halifax County reflect an utter failure on the part of the BOCC to correctly interpret and adhere to the Court's constitutional mandate established in *Leandro*.

II. HEARING PLAINTIFFS' CLAIMS AGAINST THE HALIFAX COUNTY BOARD OF COUNTY COMMISSIONERS IS IMPERATIVE TO ENSURING HALIFAX CHILDREN HAVE THE OPPORTUNITY TO RECEIVE A SOUND BASIC EDUCATION.

It is well-established that constitutional claims under *Leandro* extend to all “matters that directly relate to the nature, extent, and quality of the educational opportunities made available to students in the public school system.” *Doe v. Charlotte–Mecklenburg Bd. of Educ.*, 222 N.C. App. 359, 370, 731 S.E.2d 245,

253 (2012) (considering dismissal of *Leandro* claim based on allegations that district failed to protect plaintiffs from sexual abuse by teacher). It has also been recognized that, although the seminal *Leandro* case dealt with the duties of the State, other statutory actors have a role in ensuring students' access to a sound basic education. *See King v. Beaufort County Bd. Of Educ.*, 364 N.C. 368, 704 S.E.2d 259 (2010) (holding that a school district infringes on a student's state constitutional right to education when it excludes a student from alternative education without providing an important or significant reason).

Here, this Court should not allow the BOCC to evade responsibility for Halifax children's constitutional rights in the face of a constitutional and statutory scheme that definitively involves it in matters directly related to the nature, extent, and quality for educational opportunities of Halifax children. *See, e.g.*, N.C. Const., Art. IX, §§ 2, 7; N.C.G.S. §§ 115C-68.1, 115C-426(c), 115C-431, 115C-431(c), 115C-408, 115C-521, 115C-249, 115C-522(c), 115C-524(b). The BOCC's argument is not supported by law or common sense. Similar to the board of education in *King*, boards of county commissioners can, and must, be held accountable for actions that would obstruct students' fundamental constitutional right to receive a sound basic education. To find otherwise would mean that boards of county commissioners could withhold funds with impunity for critical needs

such as the building and maintenance of schools or necessary instructional supplies. The absurdity of the BOCC's position is laid bare when considering that such a position would sanction a board of county commissioners selling all of the school properties, cutting off the utilities leaving schools with no electricity or water, or drawing district boundaries such that one school district contains a single student without raising any constitutional issues. In all of these situations, the actions of the county commissioners would directly impact the nature, extent and quality for educational opportunities and substantially impede a student's right to receive a sound basic education. Yet the children living in the county would have no recourse for the significant infringement of their constitutional right. This cannot stand.

The BOCC's utter refusal to acknowledge *any* role in securing the constitutional right of Halifax children to receive a sound basic education proves how imperative it is for this Court to hear Plaintiffs' claims. The North Carolina Supreme Court has confirmed that "It is the duty of the courts to determine the meaning of the requirements of our Constitution." *Leandro*, 346 N.C. at 345, 488 S.E.2d at 253. Similarly, it is the duty of this Court to hear the constitutional issues presented in this case. Doing so is the only way that the children of Halifax can realize their fundamental right to a sound basic education, which, as described

above and at length in Petitioner's complaint, is being egregiously and unjustifiably impeded by the BOCC's actions.

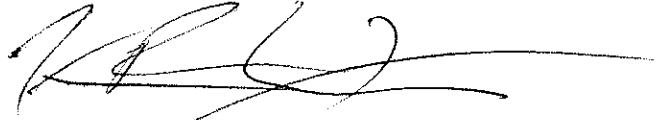
Petitioners have alleged facts sufficient to present a triable issue of fact of whether the BOCC's funding and organizational scheme is so inefficient and discriminatory that it directly impedes on the constitutionally protected right of Halifax County students to a sound basic education. To dismiss their claims at this stage is at odds with established precedent by the North Carolina Supreme Court and would result in significant harm to students, especially at-risk students, whose rights are being violated on a daily basis. If the right to a sound basic education is to have any meaning for the students in Halifax County, it is imperative that this Court allow Plaintiffs to present their case.

CONCLUSION

An inordinate number of this state's children are being denied their constitutional right to a sound basic education in Halifax County. Our courts are obligated to allow Halifax students an opportunity to prove their allegations that the specific actions of the BOCC are obstructing the exercise of this right. For these reasons, we urge this Court to overturn the order of the lower court.

Respectfully submitted this 4th day of May 2016.

YOUTH JUSTICE PROJECT OF THE
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**Pursuant to N.C. R. App. P. 33(b), I, K. Ricky
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below have authorized me to list their names on
this document as if they had personally signed.**

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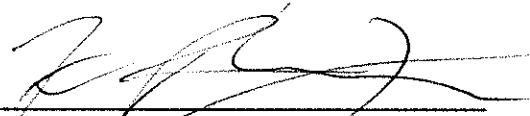
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CERTIFICATE OF COMPLIANCE

Pursuant to Appellate Rule 28(j)(2)(B), the undersigned certifies that the foregoing BRIEF OF AMICUS CURIAE uses proportional type and contains no more than 3,750 words.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing BRIEF OF AMICUS CURIAE has been served this day by depositing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service in a first class postage-prepaid envelope properly addressed to:

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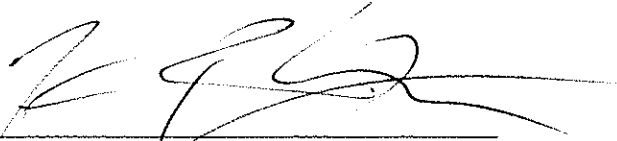
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First NC*

APPENDIX

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1. NC Dept. of Public Safety, Div. of Adult Correction & Juvenile Justice, SR1508-04, County and Statewide School Based Delinquency Complaints (2015)
2. N.C. Dep't of Pub. Instruct. public records request response (rec'd March 5, 2016)



Research & Decision Support Analysis

Division of Adult Correction & Juvenile Justice
Rehabilitative Programs & Services
STATISTICS REQUEST

Title:	County and Statewide School Based Delinquency Complaints
Reference:	SR1508-04
DATE:	8/6/2015
DATABASE:	NC-JOIN
DATABASE DATE:	8/6/2015
DATASET:	

Table 1: School-Based Juvenile Complaints by County, July 1, 2014 – June 30, 2015

Complaint County	School Based Complaints		Non-School Based Complaints		Percentage of School Based Complaints Against African-Americans	Total Number of Complaints
	Count	Percent	Count	Percent		
Alamance	202	46%	237	54%	42%	439
Alexander	80	67%	40	33%	8%	120
Alleghany	7	3%	196	97%	0%	203
Anson	30	34%	58	66%	83%	88
Ashe	13	50%	13	50%	0%	26
Avery	16	35%	30	65%	0%	46
Beaufort	83	61%	53	39%	64%	136
Bertie	30	64%	17	36%	83%	47
Bladen	14	28%	36	72%	29%	50
Brunswick	375	70%	159	30%	36%	534
Buncombe	280	68%	133	32%	32%	413
Burke	213	72%	82	28%	17%	295
Cabarrus	130	44%	163	56%	40%	293
Caldwell	143	72%	57	29%	22%	200
Camden	6	100%	0	0%	0%	6
Carteret	30	34%	57	66%	20%	87
Caswell	21	35%	39	65%	43%	60
Catawba	280	51%	266	49%	33%	546
Chatham	101	59%	69	41%	24%	170
Cherokee	13	48%	14	52%	0%	27
Chowan	46	61%	30	39%	83%	76
Clay	14	64%	8	36%	0%	22
Cleveland	219	61%	141	39%	36%	360
Columbus	124	57%	95	43%	81%	219
Craven	108	38%	176	62%	52%	284
Cumberland	362	39%	560	61%	71%	922
Currituck	60	61%	39	39%	17%	99
Dare	29	37%	50	63%	7%	79
Davidson	420	64%	235	36%	35%	655

Reference: SR1508-04

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Research & Decision Support Analysis

Division of Adult Correction & Juvenile Justice
Rehabilitative Programs & Services
STATISTICS REQUEST

Complaint County	School Based Complaints		Non-School Based Complaints		Percentage of School Based Complaints Against African-Americans	Total Number of Complaints
	Count	Percent	Count	Percent		
Davie	44	51%	43	49%	5%	87
Duplin	94	76%	30	24%	49%	124
Durham	140	25%	425	75%	85%	565
Edgecombe	46	18%	205	82%	87%	251
Forsyth	486	39%	763	61%	64%	1,249
Franklin	10	27%	27	73%	60%	37
Gaston	217	46%	251	54%	37%	468
Gates	2	25%	6	75%	100%	8
Graham	14	70%	6	30%	0%	20
Granville	49	37%	85	63%	39%	134
Greene	22	39%	35	61%	82%	57
Guilford	628	41%	917	59%	80%	1,545
Halifax	141	52%	132	48%	92%	273
Harnett	347	72%	137	28%	55%	484
Haywood	54	59%	37	41%	13%	91
Henderson	111	52%	103	48%	16%	214
Hertford	3	7%	39	93%	100%	42
Hoke	132	55%	110	45%	60%	242
Hyde	6	46%	7	54%	50%	13
Iredell	266	42%	362	58%	46%	628
Jackson	62	74%	22	26%	0%	84
Johnston	70	30%	166	70%	47%	236
Jones	19	68%	9	32%	68%	28
Lee	252	78%	72	22%	55%	324
Lenoir	112	59%	79	41%	69%	191
Lincoln	115	46%	137	54%	10%	252
Macon	40	62%	25	38%	0%	65
Madison	25	68%	12	32%	0%	37
Martin	83	49%	88	51%	86%	171
McDowell	60	47%	67	53%	8%	127
Mecklenburg	1,092	28%	2,844	72%	90%	3,936
Mitchell	19	68%	9	32%	0%	28
Montgomery	63	83%	13	17%	30%	76
Moore	164	67%	82	33%	57%	246
Nash	81	30%	193	70%	86%	274

Reference: SR1508-04

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Research & Decision Support Analysis

Division of Adult Correction & Juvenile Justice
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Complaint County	School Based Complaints		Non-School Based Complaints		Percentage of School Based Complaints Against African-Americans	Total Number of Complaints
	Count	Percent	Count	Percent		
New Hanover	269	68%	127	32%	66%	396
Northampton	47	76%	15	24%	96%	62
Onslow	251	51%	245	49%	46%	496
Orange	82	48%	90	52%	41%	172
Pamlico	12	55%	10	45%	33%	22
Pasquotank	76	57%	57	43%	58%	133
Pender	147	75%	48	25%	40%	195
Perquimans	20	69%	9	31%	40%	29
Person	92	54%	77	46%	67%	169
Pitt	431	46%	505	54%	83%	936
Polk	14	44%	18	56%	29%	32
Randolph	166	58%	122	42%	23%	288
Richmond	80	51%	76	49%	61%	156
Robeson	344	65%	182	35%	49%	526
Rockingham	160	52%	148	48%	34%	308
Rowan	183	40%	275	60%	46%	458
Rutherford	111	45%	134	55%	21%	245
Sampson	84	52%	79	48%	43%	163
Scotland	62	47%	70	53%	71%	132
Stanly	62	73%	23	27%	47%	85
Stokes	48	45%	59	55%	4%	107
Surry	193	71%	78	29%	14%	271
Swain	21	84%	4	16%	5%	25
Transylvania	21	48%	23	52%	14%	44
Tyrrell	3	33%	6	67%	67%	9
Union	240	43%	316	57%	45%	556
Vance	44	40%	66	60%	75%	110
Wake	536	29%	1,333	71%	73%	1,869
Warren	67	82%	15	18%	84%	82
Washington	6	32%	13	68%	100%	19
Watauga	36	64%	20	36%	0%	56
Wayne	136	43%	183	57%	81%	319
Wilkes	78	35%	144	65%	6%	222
Wilson	43	24%	134	76%	67%	177
Yadkin	49	49%	50	51%	10%	99

Reference: SR1508-04

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Complaint County	School Based Complaints		Non-School Based Complaints		Percentage of School Based Complaints Against African-Americans	Total Number of Complaints
	Count	Percent	Count	Percent		
Yancey	24	89%	3	11%	38%	27
Total	12,756	45%	15,348	55%	53%	28,104

Table 2: Statewide School Based Complaints By Race July 1, 2014 – June 30, 2015

Race	Count	Percent
American Indian or Alaska Native	199	1.6%
Asian	22	0.2%
Black or African-American	6790	53.2%
Hispanic/Latino	988	7.8%
Native Hawaiian or Other Pacific Islander	6	0.1%
Two or More Races	270	2.1%
Unknown	39	0.3%
White	4442	34.8%
Total	12,756	

Table 3: Statewide School Based Complaints By Offense Type July 1, 2014 – June 30, 2015

Complaint	Infraction or Status		Misdemeanor		Felony		Total Complaints
	Count	Percent	Count	Percent	Count	Percent	
School Based Complaints	0	0%	11,977	94%	779	6%	12,756
Non-School Based Complaints	104	1%	10,322	67%	4,922	32%	15,348
Total	104	0%	22,299	79%	5,701	20%	28,104

LEA #	LEA Name	ALP Assignments for Discipline
10	Alamance-Burlington	1
20	Alexander County	0
30	Alleghany County	0
40	Anson County	0
50	Ashe County	0
60	Avery County	1
70	Beaufort County	1
80	Bertie County	0
90	Bladen County	15
100	Brunswick County	0
110	Buncombe County	5
111	Asheville City	1
120	Burke County	11
130	Cabarrus County	21
132	Kannapolis City	0
140	Caldwell County	0
150	Camden County	5
160	Carteret County	8
170	Caswell County	32
180	Catawba County	0
181	Hickory City	2
182	Newton Conover City	1
190	Chatham County	0
200	Cherokee County	1
210	Edenton/Chowan	0
220	Clay County	0
230	Cleveland County	8
240	Columbus County	0
241	Whiteville City	3
250	Craven County	2
260	Cumberland County	490
270	Currituck County	0
280	Dare County	0
290	Davidson County	9
291	Lexington City	67
292	Thomasville City	4
300	Davie County	0
310	Duplin County	3
320	Durham Public	147
330	Edgecombe County	0
340	Forsyth County	723
350	Franklin County	36
360	Gaston County	77
370	Gates County	0
380	Graham County	7
390	Granville County	5

400	Greene County	2
410	Guilford County	185
420	Halifax County	0
421	Roanoke Rapids City	6
422	Weldon City	1
430	Harnett County	1
440	Haywood County	5
450	Henderson County	0
460	Hertford County	0
470	Hoke County	133
480	Hyde County	0
490	Iredell-Statesville	15
491	Mooresville City	5
500	Jackson County	0
510	Johnston County	3
520	Jones County	0
530	Lee County	0
540	Lenoir County	16
550	Lincoln County	0
560	Macon County	1
570	Madison County	2
580	Martin County	1
590	McDowell County	6
600	Charlotte-Mecklenburg	565
610	Mitchell County	3
620	Montgomery County	143
630	Moore County	24
640	Nash-Rocky Mount	166
650	New Hanover County	115
660	Northampton County	0
670	Onslow County	63
680	Orange County	9
681	Chapel Hill-Carrboro	14
690	Pamlico County	0
700	Pasquotank County	5
710	Pender County	32
720	Perquimans County	1
730	Person County	4
740	Pitt County	113
750	Polk County	0
760	Randolph County	7
761	Asheboro City	23
770	Richmond County	0
780	Robeson County	36
790	Rockingham County	0
800	Rowan-Salisbury	0
810	Rutherford County	1

820	Sampson County	128
821	Clinton City	16
830	Scotland County	7
840	Stanly County	4
850	Stokes County	2
860	Surry County	10
861	Elkin City	0
862	Mount Airy City	2
870	Swain County	1
880	Transylvania County	3
890	Tyrrell County	0
900	Union County	1
910	Vance County	1
920	Wake County	429
930	Warren County	18
940	Washington County	0
950	Watauga County	0
960	Wayne County	2
970	Wilkes County	5
980	Wilson County	4
990	Yadkin County	0
995	Yancey County	0