

# **DEREK W. BLACK**

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## **EDUCATION**

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW, J.D., May 2002**

*High Honors; Order of the Coif; NORTH CAROLINA LAW REVIEW, staff and senior staff*

**UNIVERSITY OF TENNESSEE, B.A., May 1999**

*Summa Cum Laude; Majors: African American Studies, Philosophy, and Political Science*

## **ACADEMIC APPOINTMENT**

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, SC**

*Professor of Law, June 2012 – present*

*Ernest F. Hollings Chair in Constitutional Law, July 2019 – present*

*Director, Constitutional Law Center, July 2020 – present*

**HOWARD UNIVERSITY SCHOOL OF LAW, Washington, DC**

*Assistant and Associate Professor of Law, August 2005 – June 2012*

*Director and Founder, Education Rights Center, October 2008 – June 2012*

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW, Chapel Hill, NC**

*Visiting Associate Professor of Law, August 2010 – July 2011*

*Advisor, UNC Center for Civil Rights, August 2010 – July 2011*

## **PUBLICATIONS**

### **BOOKS**

**DANGEROUS LEARNING: THE SOUTH'S LONG WAR ON BLACK LITERACY** (Yale University Press, forthcoming 2024).

**SCHOOLHOUSE BURNING: PUBLIC EDUCATION AND THE ASSAULT ON AMERICAN DEMOCRACY** (Public Affairs/Hachette 2020) (reviewed or excerpted in NY REVIEW OF BOOKS, TIME, and FORBES).

**EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM** (3<sup>rd</sup> ed. 2021; 2<sup>nd</sup> ed. 2017; 1<sup>st</sup> ed. 2013).

**ENDING ZERO TOLERANCE: THE CRISIS OF ABSOLUTE SCHOOL DISCIPLINE** (NYU Press 2016).

### **FULL LENGTH ARTICLES AND ESSAYS**

*The Education Power*, 110 VIRGINIA LAW REVIEW 341 (2024).

*Localism, Pretext, and the Color of School Dollars*, 107 MINNESOTA LAW REVIEW 1415 (2023).

*Religion, Discrimination, and the Future of Public Education*, 14 U.C. IRVINE LAW REVIEW 805 (2023).

*When Religion and the Public-Education Mission Collide*, 132 YALE LAW JOURNAL FORUM 559 (2022) (invited).

*Freedom, Democracy, and the Right to Education*, 116 NORTHWESTERN UNIVERSITY LAW REVIEW 1031 (2022).

*Educational Gerrymandering: Money, Motives, and Constitutional Rights*, 94 N.Y.U. LAW REVIEW 1385 (2019).

*The Right to Education, Equal Opportunity, and the Schoolhouse Gate*, 128 YALE LAW JOURNAL 2302 (2019) (review essay with Michelle Adams).

*The Fundamental Right to Education*, 94 NOTRE DAME LAW REVIEW 1059 (2019).

*Preferencing Educational Choice: The Constitutional Limits*, 102 CORNELL LAW REVIEW 1359 (2018).

*The Constitutional Compromise to Guarantee Education*, 70 STANFORD LAW REVIEW 735 (2018).

*Abandoning the Federal Role in Education*, 105 CALIFORNIA LAW REVIEW 1309 (2017).

*Averting Educational Crises*, 94 WASHINGTON UNIVERSITY LAW REVIEW 423 (2017).

*Reforming School Discipline*, 111 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2016).

*Taking Teacher Quality Seriously*, 57 WILLIAM & MARY LAW REVIEW 1597 (2016).

*The Constitutional Challenge to Teacher Tenure*, 104 CALIFORNIA LAW REVIEW 75 (2016).

*Federalizing Education by Waiver?*, 68 VANDERBILT LAW REVIEW 607 (2015).

*The Constitutional Limit of Zero Tolerance in Schools*, 99 MINNESOTA LAW REVIEW 823 (2015).

*Charter Schools, Vouchers, and the Public Good*, 48 WAKE FOREST LAW REVIEW 445 (2013) (invited).

*Middle Income Peers as Educational Resources and the Constitutional Right to Equal Access*, 53 BOSTON COLLEGE LAW REVIEW 373 (2012).

*Education's Elusive Future, Storied Past, and the Fundamental Inequity in Between*, 46 GEORGIA LAW REVIEW 557 (2012) (invited).

*Civil Rights, Charter Schools, and Lessons to Be Learned*, 64 FLORIDA LAW REVIEW 1723 (2012).

*How the Elementary and Secondary Education Act Undermines Equal Protection and Congress's Duty to Remedy It*, 90 BOSTON UNIVERSITY LAW REVIEW 313 (2010).

*Unlocking the Power of State Constitutions with Equal Protection: The First Step Toward Education as a Federally Protected Right*, 51 WILLIAM & MARY LAW REVIEW 1343 (2010).

*Cultural Norms and Race Discrimination Standards: A Case Study in How the Two Diverge*, 43 CONNECTICUT LAW REVIEW 503 (2010).

*In Defense of Voluntary Desegregation: All Things Are Not Equal*, 44 WAKE FOREST LAW REVIEW 107 (2009).

*Turning Stones of Hope into Boulders of Resistance: The First and Last Task of Social Justice Curriculum, Scholarship, and Practice*, 86 NORTH CAROLINA LAW REVIEW 673 (2008) (invited).

*The Mysteriously Reappearing Cause of Action: The Court's Expanding Concept of Intentional Discrimination in Gender and Race Discrimination Statutes*, 67 MARYLAND LAW REVIEW 358 (2008).

*A Framework for the Next Civil Rights Act: What Tort Concepts Reveal about Goals, Results, and Standards*, 60 RUTGERS LAW REVIEW 259 (2008).

*The Uncertain Future of School Desegregation and the Importance of Good Will, Good Sense, and a Misguided Decision*, 57 CATHOLIC LAW REVIEW 947 (2008) (invited).

*The Contradiction Between Equal Protection's Meaning and Its Legal Substance: How Deliberate Indifference Can Cure It*, 15 WILLIAM & MARY BILL OF RIGHTS JOURNAL 533 (2006).

*The Power of Small Schools: Achieving Equal Educational Opportunity Through Academic Success and Democratic Citizenship*, 82 NEBRASKA LAW REVIEW 50 (2003) (with Gregory Malhoit) (invited).

*Picking Up the Pieces After Alexander v. Sandoval? Resurrecting a Private Cause of Action for Disparate Impact*, 81 NORTH CAROLINA LAW REVIEW 356 (2002).

*The Case for the New Compelling Government Interest: Improving Educational Outcomes*, 80 NORTH CAROLINA LAW REVIEW 923 (2001) (cited by the *en banc* panel of the 9th Circuit in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162, 1175 (9th Cir. 2005) and also three briefs filed in the appeal before the Supreme Court).

## **BLOGS**

Co-Founder, Co-Editor & Author, EDUCATION LAW PROF BLOG,  
[http://lawprofessors.typepad.com/education\\_law/](http://lawprofessors.typepad.com/education_law/).

Guest Blogger, THE FACULTY LOUNGE, [thefacultylounge.org](http://thefacultylounge.org).

## SHORTER WORKS: CHAPTERS, ESSAYS, REVIEWS, AND POLICY BRIEFS

*The Intersection Between School Finance and Segregation*, 32 POVERTY & RACE JOURNAL 1 (April 2023) (guest editor of full issue and contributing author).

*“The American Right to Education: The Northwest Ordinance, Reconstruction, and the Current Challenge,”* 30 POVERTY & RACE JOURNAL 5 (Jan. 2021).

*NEPC Review: Religious Charter Schools: Legally Permissible? Constitutionally Required?*, NATIONAL EDUCATION POLICY CENTER (Feb. 2021).

*Old Ideas, Not New Ones, Are the Key to Education — and Democracy*, 102 PHI DELTA KAPPAN (Jan. 2021).

*Closing Achievement Gaps Through Socio-Economic Integration* in OXFORD’S HANDBOOK OF U.S. EDUCATION LAW (Kristi Bowman, ed., 2019).

*Implying a Fundamental Right to Education* in A FEDERAL RIGHT TO EDUCATION (Kimberly Robinson, ed., NYU Press 2019)

*Leveraging Federal Funding for Equity and Integration* in EXPLORING NEW PATHS TO EQUAL EDUCATIONAL OPPORTUNITY (Charles Ogletree & Kimberly Robinson eds., HARVARD UNIVERSITY EDUCATION PRESS 2015).

*Defining Discrimination: Intent, Impact, and the Future of Title VI of the Civil Rights Act of 1964* in THE PURSUIT OF RACIAL AND ETHNIC EQUALITY IN AMERICAN PUBLIC SCHOOLS: *MENDEZ, BROWN, AND BEYOND* (Kristi Bowman ed., MICHIGAN STATE UNIVERSITY PRESS 2014).

*Reflecting on the 50th Anniversary of the Civil Rights Act of 1964*, 23 POVERTY & RACE JOURNAL 5 (July 2014).

*Fisher v. Texas and the Irrelevance of Function in Race Cases*, 57 HOWARD LAW JOURNAL 701 (symposium 2014).

*In Defense of Voluntary Desegregation: All Things Are Not Equal* in CHARLES H. HOUSTON: AN INTERDISCIPLINARY STUDY OF CIVIL RIGHTS LEADERSHIP (James L. Conyers, Jr., ed. 2012).

*Middle-Income Peers as Educational Resources and the Constitutional Right to Equal Access*, 21 POVERTY & RACE JOURNAL 3 (2012).

*Parents Involved in Community Schools v. Seattle School District No. 1*, ENCYCLOPEDIA OF DIVERSITY IN EDUCATION (James A. Banks, eds., 2012).

Book Review, *Martha Chamallas & Jennifer B. Wriggins, The Measure of Injury: Race, Gender, and Tort Law*, 39 JOURNAL OF PSYCHIATRY AND LAW 517 (2011).

*Voluntary Desegregation, Resegregation, and the Hope for Equal Educational Opportunity*, 98 HUMAN RIGHTS 2 (2011).

*Accounting for Historical Forces in the Effort to Align Law with Science*, 54 SAINT LOUIS UNIVERSITY LAW JOURNAL 1511 (2010) (Childress Lecture Symposium).

*Ensuring Equity, Deconcentrating Poverty, and Meeting Student Needs Through the Elementary and Secondary Education Act*, Policy Brief, EDUCATION RIGHTS CENTER (Feb. 2010).

*Leave No Child Out: An Introduction to Homelessness, Joblessness, and Bullying in America's Schools*, 51 HOWARD LAW JOURNAL 765 (2008) (symposium introduction).

*Beyond Brown: Its Impact upon American Education and Culture*, NATIONAL BAR ASSOCIATION MAGAZINE (March 2004).

### **SELECTED POPULAR MEDIA PUBLICATIONS**

*What Are the Limits of Presidential Power to Forgive Student Loans? A Constitutional Law Expert Answers 5 Questions*, THE CONVERSATION (March 8, 2023)

*Legacy of Jim Crow Still Affects Funding for Public Schools*, THE CONVERSATION (April 15, 2022).

*Could Public Money Finance Private-School Discrimination, Religion and Fake History?*, USA TODAY, April 12, 2021 (with Rebecca Holcombe).

*The Logjam That Awaits Biden's Education Secretary*, CNN, Dec. 14, 2020.

*Public Schools Are the Starting Point for Bridging Our Divides*, THE HILL, Dec. 24, 2020.

*The Future of Public Education Will Be Decided in the 2020 Election*, THE INQUIRER, Oct. 21, 2020 (with Jack Schneider & Jennifer Berkshire).

*"Originalism" Isn't What You Think It Is*, CNN, Oct. 21, 2020.

*America's Founders Recognized the Need for Public Education. Democracy Requires Maintaining That Commitment*, TIME, September 22, 2020.

*Betsy DeVos' Sneak Attack: How the U.S. Secretary of Education Has Diverted COVID Relief Funding to Private Schools*, NY DAILY NEWS, August 30, 2020.

*Betsy DeVos Just Crossed Another Line*, USA TODAY, July 22, 2020 (with David Sciarra).

*Supreme Court School Voucher Ruling Threatens American Unity and Public Education*, USA TODAY, July 3, 2020.

*Federal Court Delivers Holy Grail of Education Advocacy*, WASHINGTON POST, April 29, 2020.

*Many Public Schools Never Recovered from the Great Recession*, WASHINGTON POST, April 2,

2020.

*Trump's "Education Freedom" Plan is an Attack on Public Schools*, USA TODAY, February 14, 2020.

*Teacher Pay Hikes Alone Can't Fix Education*, USA TODAY, April 5, 2019.

*Congressional Oversight Is at the Heart of America's Democracy*, THE CONVERSATION, April 4, 2019 (republished by INTERNATIONAL BUSINESS TIMES).

*Ensuring Racial Equity—from Classrooms to Workplaces—Depends on Federal Regulations Trump Could Roll Back*, THE CONVERSATION, March 6, 2019 (republished by BUSINESS INSIDER, SALON).

*Charter Schools Exploit Lucrative Loophole That Would Be Easy to Close*, THE CONVERSATION, Feb. 19, 2019 (republished by INTERNATIONAL BUSINESS TIMES, SALON, TRUTHOUT).

*Fight for Federal Right to Education Takes a New Turn*, THE CONVERSATION, Dec. 7, 2018.

*New Mexico Case Should Serve as Wake-up Call on School Funding*, THE CONVERSATION, July 25, 2018 (republished by UNIVISION).

*Don't Divert Taxpayer Money to Vouchers*, USA TODAY, August 16, 2018.

*On Racial Diversity, Schools Should Heed Obama and Courts, Ignore Trump Scare Tactic*, USA TODAY, July 6, 2018.

*We Shouldn't Call Teacher Salary Hikes "Raises,"* EDUCATION WEEK, May 4, 2018.

*Don't Cheer Too Loudly at Massachusetts' Charter-School Ruling*, SLATE, May 1, 2018.

*The Arizona Teacher Walkouts Are Just a Skirmish in the Larger War on Public Education*, L.A. TIMES, April 26, 2018.

*States Are Favoring School Choice at a Steep Cost to Public Education*, THE CONVERSATION, April 24, 2018 (republished by HUFFINGTON POST, SALON, NEWS AND OBSERVER).

*Zero Tolerance Discipline Policies Won't Fix School Shootings*, THE CONVERSATION, March 15, 2018 (republished by UPI, GOOD MAGAZINE, SALON).

*The Constitutional Right to Education Is Long Overdue*, THE CONVERSATION, Dec. 4, 2017 (republished by L.A. TIMES, CHICAGO TRIBUNE, SALON, TIME).

*Why Schools Still Can't Put Segregation Behind Them*, THE CONVERSATION, June 6, 2017 (republished by NEWSWEEK, INTERNATIONAL BUSINESS TIMES, BUSINESS INSIDER).

*Trump Budget Would Abandon Public Education for Private Choice*, THE CONVERSATION, May 23, 2017 (republished by SALON, HUFFINGTON POST).

*"Moonlight" Schooled Hollywood on Race. Can It Take on School Discipline, Too?*, THE

CONVERSATION, May 9, 2017 (republished by HUFFINGTON POST).

*Why Integration Matters in Schools*, EDUCATION WEEK, May 14, 2014.

#### **SIGNIFICANT APPELLANT BRIEFS**

Amicus Brief of Education Law Center and Constitutional and Education Law Scholars, *Cruz-Guzman v. State of Minnesota* (Minn. S.C. 2023).

Amicus Brief of Education and Constitutional Law Scholars, *Carson v. Makin*, U.S. Supreme Court (2021).

Amicus Brief of First Amendment and Education Law Scholars, *Mahanoy Area School District v. B.L.*, 141 S.Ct. 2038 (2021).

Amicus Brief of Lawyers' Committee for Civil Rights Under Law and Constitutional and Education Law Scholars, *In Re Renewal Application of Team Academy Charter School* (N.J. S.C. 2020).

Amicus Brief of Education Law Center and Constitutional and Education Law Scholars, *Cruz-Guzman v. State of Minnesota* (Minn. S.C. 2017).

Amicus Brief of Law Professors, *Vergara v. State* (Cal. App. 2015).

Amicus Brief of NAACP Legal Defense and Education Fund, *Doe v. Lower Merion School Dist.*, 665 F.3d 524 (3rd Cir. 2011).

Brief of Petitioner, Lawyers' Committee for Civil Rights Under Law, *Holton v. City of Thomasville School District*, 521 F.3d 1318 (11th Cir. 2008) (*en banc*).

Civil Rights Clinic at Howard University School of Law, Brief of Amicus Curiae, *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, Supreme Court Nos. 05-908 and 05-915 (2007).

Brief of Appellant, Lawyers' Committee for Civil Rights Under Law, *Holton v. City of Thomasville School District*, 490 F.3d 1257 (11th Cir. 2007).

Brief of Appellant, Lawyers' Committee for Civil Rights Under Law, *Holton v. City of Thomasville School District*, 425 F.3d 1325 (11th Cir. 2005).

Brief of Amicus Curiae, Lawyers' Committee for Civil Rights Under Law, *Comfort v. Lynn School Committee*, 418 F.3d 1 (1st Cir. 2005) (*en banc*).

Brief of Appellee, U.S. Postal Service, *Martinez v. Potter*, 347 F.3d 1208 (10th Cir. 2003).

## SELECTED PRESENTATIONS

*Free Speech, Democratic Erosion, and Public Education*, Panelist, Knight Institute at Columbia University (April 5, 2024).

*Dangerous Learning and Culture Wars*, Invited Speaker Series, Washington and Lee University School of Law (February 12, 2024).

*Race, Money, and Schools*, Panelists, Southern Education Foundation Conference (November 16, 2023).

*Religion, Vouchers, and the Future of Public Education*, Panelist, Network for Public Education Annual Conference (October 29, 2023).

*The History of Black Literacy and Its Continuing Relevance*, Invited Speaker Series, Princeton University (October 11, 2023).

*Rodriguez at 50*, Panelist, Howard University School of Law (September 21, 2023).

*Navigating Parental Rights and Curricular Demands*, Plenary Presentation, South Carolina School Boards Association (August 27, 2023).

*The Role of School Boards in Navigating Troubled Political Waters*, Keynote Address, Alabama Association of School Boards (May 17, 2023).

*The Impact of Fifty Years of Education Advocacy*, Education Law Center 50<sup>th</sup> Anniversary, Plenary Panelist, Newark, NJ (May 4, 2023).

*Federal Role in Education and School Choice*, Testimony, United States House of Representatives, Committee on Education and the Work force (April 18, 2023).

*San Antonio Independent School District v. Rodriguez: Fifty Years Later*, Panelist, Loyola University Chicago Law Journal Symposium (March 31, 2023).

*Confronting the Ongoing Challenge to the Right to Education*, Keynote Address, N.C. Association of School Administrators (March 24, 2023).

*Schoolhouse Burning and the Evolving Threats to Public Education*, Keynote Address, National Education Association Managers Annual Conference (March 1, 2023).

*50 Years After San Antonio Independent School District v. Rodriguez*, Panelist, University of Virginia Law Review Symposium (February 17, 2023).



*Intersectionality in Federal Anti-Discrimination Law*, Lecture, Civil Rights Summit, Federal Emergency Management Agency (November 30, 2022).

*Schoolhouse Burning*, Keynote Address, McCarthy Institute, Indiana University-Bloomington School of Education (October 20, 2022).

*The Impact of Recent Supreme Court Decisions on Public Education*, Panelist, National Organization of Lawyers for Education Associations Annual Conference (October 7, 2022).

*Parents and Schools: Whose Responsibility Is It to Teach Our Children about Race, Gender, and Sexuality?*, Debater, Davidson College, (September 29, 2022).

*The Racial Inequality Links Between Elementary, Secondary, and Higher Education*, Guest Lecture, University of Maryland School of Education (September 13, 2022).

*The Privatization of Public Education in Arizona*, Keynote Address, Arizona Association of School Administrators Annual Conference (June 13, 2022).

*From Tennessee to Schoolhouse Burning*, Keynote Address, Tennessee Education Association Annual Conference (June 9, 2022).

*Theoretical Trends in Charter School and Voucher Litigation*, Network for Public Education Annual Conference (April 30, 2022).

*Systemic Inequality in South Carolina Schools*, Panelist, Center for Civil Rights History and Research, University of South Carolina (April 5, 2022).

*The Legacy of Rose v. Council*, Keynote Address, Kentucky Association of School Administrators Annual Conference (March 18, 2022).

*The Past, Present, and Future of Public Education*, Keynote Address, American Association of Colleges for Teacher Education Annual Conference (March 4, 2022).

*Rule of Law and Civics*, Panelist, Inaugural William Hubbard Conference on Law and Education (Feb. 25, 2022).

*The Changing Dynamics of the Fight for Public Education*, Luncheon Speaker, American Association of School Administrators Annual Conference (Feb. 17, 2022).

*State Options in Light of Evolving Supreme Court Doctrine*, Expert Testimony, Vermont Senate (Jan. 25, 2021).

*School Vouchers in the Context of South Carolina's Constitutional Commitment to Public Education*, Keynote Address, South Carolina School Boards Association Annual Conference (Dec. 4, 2021).

*State and Federal Developments Regarding the Privatization of Public Education*, Lecture, American Association of School Administrators, State Executives Conference (Dec. 3, 2021).

*The Fight for Public Education*, Plenary Lecture, American Association of School Administrators, Superintendent of the Year Conference (Nov. 5, 2021).

*Slavery, Freedom, and the Right to Education*, Distinguished Lecture, University of Kentucky School of Law (Nov 4, 2021).

*School District Lines and the Perpetuating of Inequality*, Plenary Panel, Education Law Association Annual Conference, San Antonio, TX (Oct. 22, 2021)

*Schoolhouse Burning*, Book Club, American Bar Association, Section of Civil Rights and Social Justice (Oct. 22, 2021).

*Racial Disparities in School Discipline*, Expert Testimony, U.S. Commission on Civil Rights, West Virginia Advisory Committee (Aug. 26, 2021)

*The History of the Right to Education*, Keynote Address, Annual Conference, Education Law Institute, Indiana University-Bloomington (April 14, 2021).

*Historical Tipping Points in the Funding of Public Education*, Keynote Address, National Education Finance Academy Annual Conference (April 7, 2021).

*Congress's Role in Education as Civil Right*, Lecture, U.S. Capitol Historical Society (March 11, 2021).

*Fundamental Questions for Our Democracy Regarding a Federal Right to Education*, Panelist, University of Virginia School of Law (Feb. 25, 2021).

*Race, Money, and Public Education Values*, Lecture, Pennsylvania State University Center for Education and Civil Rights (Feb. 19, 2021).

*Pressing Legal Issues in Public Education*, Brown Bag Lecture, Education Week (Feb. 5, 2021).

*Rule of Law, Public Education, and the Insurrection at the U.S. Capitol*, Special Address, U.S. Capitol Historical Society (Jan. 7, 2021).

*The Reconstruction of Race Relations Post Election 2020*, Panelist, Baruch College-CUNY (Dec. 10, 2021).

*Litigating the Right to Education*, Guest Lecture, New York University School of Law (Nov. 23, 2020).

*Adams v. McMasters*, Panelist, South Carolina School Board Association Council of School Attorneys (Nov. 20, 2020).

*Schoolhouse Burning*, Webinar, National Organization of Lawyers for Educational Associations (Oct. 9, 2020).

*Socio-economic Integration and the Right to Education*, Guest Lecture, University of California-Irvine School of Law (Oct. 6, 2020).

*School Funding, Vouchers, and the Assault of Public Education*, Public Funds Public Schools (Oct. 6, 2020).

*Schoolhouse Burning*, Book Event, Town Hall Seattle (Sept. 30, 2020).

*The Foundational Role of Public Education in American Democracy*, Keynote Address, 2020 Program on Law and State Government Symposium, Indiana University-Indianapolis (September 25, 2020).

*Schoolhouse Burning*, Book Event, Network for Public Education (Sept. 23, 2020).

*Pressing Legal Issues in the Reopening of Public Schools*, Panelist, National Governor's Association (June 23, 2020).

*A Federal Right to Education: From Brown to Rodriguez and What Lies Ahead*, Panelist, Center for American Progress (May 13, 2020).

*Gerrymandering School Funding Inequality*, Presentation, Education Law Association Annual Conference (November 16, 2019).

*The Legal and Fiscal Implications of School Vouchers in South Carolina*, South Carolina Association of School Administrators Symposium (October 3, 2019).

*The Growing Risks and Illogic of School Vouchers*, Keynote Address, South Carolina School Boards Association Annual Law Conference (Aug. 24, 2019).

*The Federal Role in Education and the Statutory Structure for Encouraging Civics and Service Learning in Public Schools*, Testimony, National Commission on Military, National and Public Service (June 20, 2019) (congressional commission).

*The Role of State Policy in Segregation and Inequality*, 65<sup>th</sup> University of Brown v. Board Conference, Center for Education and Civil Rights at Pennsylvania State University (May 10, 2019).

*Taking the Right to Education in Pauley v. Kelly Seriously*, Keynote Address, 2018-19 West Virginia Law Review Symposium (Feb. 22, 2019).

*A Federal Right to Education?*, Debater, American Enterprise Institute (Jan. 24, 2019).

*What Norms Should We Break When We Reform Schools?*, Keynote Address, 2018-19 Arkansas Law Review Symposium (Nov. 2, 2018).

*New Insights into School Privatization*, Public Education Network Annual Conference, Indianapolis, IN (Oct 20, 2018).

*The Foundations of Democracy: Critical Literacy, Civics Knowledge, and Public Education*, Tedx, University of South Carolina (Oct. 9, 2018).

*Empirical Trends, Constitutional Challenges, and School Privatization*, Annual Conference, National Organization of Lawyers for Education Associations (Oct. 5, 2018).

*Free Speech and Student Conflict on the Modern University Campus*, Panelist, 80<sup>th</sup> Judicial Conference of the Fourth Circuit (June 29, 2018).

*Theorizing a Constitutional Right to Education*, Presidential Session, American Educational Research Association (April 14, 2018).

*Charter Schools and Educational Equity*, Debate, Harvard Graduate School of Education (March 29, 2018).

*Social Science and Education Law Reform: Discipline, Special Education, and School Funding*, University of Colorado School of Education (Nov. 29, 2017).

*Preferencing Educational Choice*, University of North Carolina School of Law (Nov. 16, 2017).

*The Constitutional Compromise to Guarantee Education*, Temple University School of Law (Oct 26, 2017).

*Preferencing Educational Choice*, University of North Carolina School of Law (Nov. 16, 2017).

*The Constitutional Compromise to Guarantee Education*, Temple University School of Law (Oct 26, 2017).

*Abandoning the Federal Role in Education*, Drexel University School of Law (March 8, 2017).

*The Intersection of School Quality and Student Discipline*, Fordham University School of Law (March 6, 2017).

*Legislative Barriers to School Funding Reform*, Virginia Commonwealth Institute, Richmond, VA (Nov. 11, 2016).

*Averting Educational Crises*, Education Law Association Annual Conference, Orlando, FL (Nov. 3, 2016).

*Choosing the Correct Measuring Stick for Charter Schools and Vouchers*, NYU School of Law (April 5, 2016).

*Half a Step Forward, Three Steps Back: The Every Student Succeeds Act*, American Association of Law Schools, New York City (Jan. 6, 2016).

*Ending Zero Tolerance*, American Const. Society, Harvard Law School (Sept. 17, 2015).

*Creating Access and Equity: Have Charter Schools Made The Dream More Real?*, National Alliance for Public Charter Schools, Memphis, TN (April 16, 2015).

*Due Process Implications of School Discipline*, Guest Lecture, Washington University School of Law (Feb. 24, 2015).

*The Constitutional Requirements of Abbeville v. State*, SC House of Representatives Education Policy Review and Reform Task Force, Columbia, SC (Feb. 23, 2015).

*Recognizing the Right to Education at the Federal Level*, Constitutional Personhood Summit, New York University School of Law: Hosted in Princeton, NJ (Nov. 7, 2014).

*The Constitutional Limits of Zero Tolerance*, Law and Society, Minneapolis, MN (May 30, 2014).

*Balancing Competing Values in School Desegregation: The Beginning of the End*, 50<sup>th</sup> Anniversary of the Civil Rights Act of 1964 Conference, Michigan St. Univ. College of Law-Univ. of Missouri-KC School of Law (April 11, 2014).

*Ending Zero Tolerance*, University of North Carolina School of Law, Chapel Hill, NC (Jan. 23, 2014).

*Getting Started on Your Scholarly Agenda: Topic Selection, Scheduling, Scope, and Pitfalls*, AALS New Law Teachers Conference, Washington, DC (June 2 2013).

*NCLB Waivers*, No Child Left Behind Symposium: 10 Years in Review, Thurgood Marshall School of Law (Feb. 8, 2013).

*Leveraging Federal Funding for Equity and Integration*, 40th Anniversary of *San Antonio v. Rodriguez*: Exploring New Paths to Equal Educational Opportunity, University of Richmond School of Law (March 7, 2013).

*Pursuing the Public Good in Education: The Competing Interests of Individual Autonomy and Collective Action*, Privatizing the Public Good: Emerging Trends in K-16 Education Symposium, Wake Forest University School of Law (October 26, 2012).

*A Legal History of Disparate Impact Analysis in Education and Civil Rights*, Applying Disparate Impact in Civil Rights Complaints to Derail the School to Prison Pipeline Teleconference, ABA Children's Rights Litigation Committee (October 17, 2012).

*Getting Started on Your Scholarly Agenda*, AALS New Law Teachers Conference, Washington, DC (June 22, 2012).

*Implicit Bias Across the Educational Spectrum: Ability Grouping, Special Education and Discipline*, Implicit Racial Bias Across the Law: A Book Conference, Harvard Law School (June 14, 2012).

*Parallel Movements: Incorporating School Integration into School Reform Agendas*, Advancing the Legacy of Mendez and Brown: A National Conference on School Diversity, Georgetown University Law Center (May 17, 2012).

*Racially Unequal Access to Middle Income Peers*, Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, Boston, MA (Jan. 25, 2012).

*Hearing Testimony on the Benefits of Racial Integration*, Minnesota Department of Education Integration Revenue Replacement Task Force (Dec. 20, 2011).

*Education's Elusive Future, Storied Past, and the Fundamental Inequity in Between*, Civil Rights or Civil Wants Conference, University of Georgia School of Law (August 26, 2011).

*Civil Rights and the K-12 Education Reform Agenda*, Panelist, Southeastern Association of Law Schools (July 26, 2011).

*The Limits of Educational Equity*, Paper Presentation, Wake Forest University School of Law (April 28, 2011).

*Economic Justice for Families and Communities*, Panelist, "The Unfinished Work": Advancing New Strategies in the Struggle for Civil Rights, University of North Carolina School of Law (Nov. 1, 2010).

*Racially Unequal Access to Middle Income Peers*, Study Presentation, NC NAACP State Convention, Charlotte, NC (Oct. 8, 2010).

*Public Perceptions of Race Discrimination and Intent: What Matters Most?*, Panelist, Southeastern Association of Law Schools Annual Meeting (July 30, 2010).

*What the Federal Government Is Doing, and What It Can Do, to Reduce Racial and Socioeconomic Isolation and Promote Diversity in K-12 Schools*, Moderator, Reaffirming the Role of School Integration in K-12 Education Policy Conference, Howard University School of Law (Nov. 13, 2009).

*The Misdirection of Federal Education Funds: Helping Poor Kids or Pushing Educational Agendas?*, Paper Presentation, Poverty and Economic Mobility Conference, American University Washington College of Law (Oct. 26, 2009).

*How the No Child Left Behind Act Shortchanges Minority Students Through Its Funding Formulas and Congress's Constitutional Duty to Fix It*, Congressional Black Caucus Foundation Conference on Breaking Barriers for African American Males, Russell Senate Office Building (April 24, 2009).

*When Old Enemies Become New Friends: Desegregation Lawyers, School Districts, and Communities*, Panelist, National Summit on Interdistrict School Desegregation, Harvard Law School (January 18, 2009).

*Education Is a Civil Right*, Presentation, National Alliance of Black School Educators, Washington, DC (January 2009).

*Racial Bias in School Room Discipline*, Panelist, George Washington University School of Education (April 2008).

*Solidifying Education as a Civil Right: The Choice Between a Constitutional Amendment and the Courts*, Panelist, National Alliance of Black School Educators Annual Convention, Washington, DC (April 2008).

*Teaching Hope to Social Justice Students*, Presenter, Teaching for Social Change Conference, University of California School of Law (March 2008).

*Can We Continue Brown v. Board's Promise by Suing Kennedy's Taste?*, Presenter, Supreme Court Update, Southeastern Association of Law Schools Annual Meeting (July 2007).

*The Future of Voluntary Desegregation*, Panelist, The Marshall-Brennan Constitutional Literacy Project Conference, American University Washington College of Law (March 2007).

*A Reason to Hope*, Opening Address, 4th Annual Norman Amaker Public Interest Law Retreat, Indiana University School of Law-Indianapolis (Feb. 2005).

*Connecting the Dots from Brown to Grutter*, Brown v. Board 50th Anniversary Lecture Series,

Georgetown University (April 2004).

*The Right to a High Quality Education under Florida Law*, Presenter, Brown v. Board 50th Anniversary Event, University of Miami School of Law (March 2004).

*Recognizing Inequity in Ability Grouping Practices*, Panelist, Georgia Branches of NAACP Annual Convention, Atlanta, GA (Oct. 2003).

*When Discrimination Can't Be Proven: The Uphill Battle of Alexander v. Sandoval*, Tennessee Branches of the N.A.A.C.P Annual Convention, Nashville, TN (Sept. 2003).

*Proving Intent by Alternative Means: An Answer to Alexander v. Sandoval*, Panelist, Lawyers' Committee for Civil Rights Under Law 40th Anniversary Symposium, Washington, DC (June 2003).

### **PROFESSIONAL EXPERIENCE**

**PRESIDENTIAL TRANSITION TEAM, CIVIL RIGHTS CLUSTER**, Washington, DC  
*U.S. Commission on Civil Rights Team Member*, November 2008 – January 2009

**NATIONAL ALLIANCE OF BLACK SCHOOL EDUCATORS**, Washington, DC  
*Consultant*, April 2008 – June 2010

**LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**, Washington, DC  
*Education Project Staff Attorney*, June 2003 – July 2005

**RURAL EDUCATION FINANCE CENTER**, Raleigh, NC  
*Consultant*, May 2002 – October 2003

**U. S. POSTAL SERVICE LAW DEPARTMENT, APPELLATE DIVISION**, Washington, DC  
*Honors Attorney*, Appellate Litigation, October 2002 – June 2003

**AMERICAN CIVIL LIBERTIES UNION, NORTH CAROLINA**  
*Dan Pollitt Legal Fellow*, August 2001 – May 2002

**OFFICE FOR CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION**, Washington, DC  
*Law Clerk*, May 2000 – August 2000 and May 2001 – August 2001

### **SELECTED PRO BONO AND COMMUNITY SERVICE**

Member, American Law Institute (2023-present).

Fellow, American Bar Foundation (2022-present).

Fellow, National Education Policy Center (2020-present).



South Carolina Advisory Committee, United States Commission on Civil Rights (2015-2017).

Steering Committee and Member, National Coalition for School Diversity (2009-present).

Counsel, Brief of Amici Curiae NAACP Legal Defense & Education Fund, et al., *Doe v. Lower Merion School District*, Civ. No. 09-2095 (3rd Cir. 2011).

Counsel, Lawyers' Committee for Civil Rights Under Law (trial, appellate and post-trial proceedings in *Holton v. City of Thomasville School District*, 425 F.3d 1325 (11th Cir. 2005) (2005-2009).

Volunteer Regional Supervisor, Election Protection, Lawyers' Committee for Civil Rights Under Law (2008).

Supervisor, New Orleans Alternative Spring Break (2008, 2009).

Co-Author, Amicus Brief of Howard University School of Law, *Parents Involved in Community Schools v. Seattle School District*, 551 U.S. 701 (2007).

Coordinator, Student Hurricane Network *pro bono* program (2006–07).