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CAUGHT ON THE WRONG SIDE OF THE PROPERTY LINE: AN ANALYSIS OF THE
“AKRON MOM” CASE

BY

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THESIS

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Abstract

Kelley Williams-Bolar of Akron, Ohio used her father's address to enroll her children in a "better school" than those available in her home district. She argued that their grandfather was their assistant guardian and the person with whom her children lived at various times throughout the school year. Her efforts to provide her children with a better education were deemed unjustifiable by the Copley Fairlawn School District and the court of law; legal charges resulted. A critical analysis of this case and the resulting charges is needed. This paper not only includes a critique of the punishment and consequences experienced by the Williams-Bolar family, it also seeks to reveal the "The Akron Mom" case as an example of educational disparities resulting from the intersection of race, class, and property ownership. By drawing connections between the policies and procedures of school assignment and the chronic educational and social achievement gap between black and white students, the case of "The Akron Mom" is used as an example to not only show that deep-rooted discriminatory practices still exist within public education, but also ways in which constitutional mandates have failed to remedy racial, wealth based, and educational inequity in the P-12 public school system.

To...

my Great Aunts for their wisdom...

my GRANDMOTHER for her prayer...

my MOTHER for her encouragement...

my SISTER for her support...

my ADVISOR for his laughs...

my CHA for his perspective...

my GOD for his divine order.

And for EVERY PARENT who has sacrificed for their child to have quality school experiences.

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Chapter I

Introduction

This paper uses Summit County court case *State of Ohio v. Kelley Williams-Bolar* to highlight that although nearly 60 years have passed since *Brown v. Board of Education of Topeka, Kansas*, discriminatory educational practices still exist in the United States. The researcher seeks to use a case analysis of this legal case to connect the practices of public education, the laws that influence and uphold such practices, and the chronic race and wealth based educational achievement gap. These connections will be made by using the critical race tenets established by Gloria Ladson-Billings and William Tate, that state: “1) race continues to be a significant factor in the United States; 2) U.S. society is based on property rights rather than human rights; and 3) the intersection of race and property create an analytical tool for understanding inequity” (Ladson-Billings, G., & Tate, W, 1995, p. 47).

The research conducted around this study not only includes a historical background to understand the implications for the punishment and consequences experienced by the Williams-Bolar family, but also seeks to unpack the macro and microaggressions enacted in school policies across the nation that lead to inequity in schooling across both race and class lines. By drawing connections between African Americans’ fight for full citizenship, the zoning regulations of the institution of public education, and the chronic educational and social achievement gap between black and white students, the case of the “Akron Mom” is used as an example to not only show that deep-rooted discriminatory practices still exist within public education, but also ways in which laws and historical implications perpetuate racial and educational inequity. The purpose of this paper is to use the case of the *State of Ohio v. Kelley Williams-Bolar* as an example of the educational disparities that are the result of race and class differences, as well as one’s status of property ownership.

Social and Historical Context of Argument

The Case. On January 15, 2011 Kelley Williams-Bolar stood before the Summit County Court of Akron, Ohio and calmly prayed for her fate upon hearing that she had been “found guilty by way of jury verdict to two counts of Tampering with Records, both of which are felonies of the third degree” (State of Ohio Adult Parole Authority, 2011, p. 2). She also escaped through mistrial a third felony charge of Grand Theft. These convictions are the outcome of the court dispute *State of Ohio v. Kelley Williams-Bolar*. Ms. Williams-Bolar was brought to trial because the act of using her father’s address to enroll her two daughters into the Copley-Fairlawn School district was deemed to be a violation of the school district’s policies and illegal. To Ms. Williams-Bolar, she was doing what any parent would do for their children—see to it that they received the best education possible. During her 10-day jail sentence, Ms. Williams-Bolar shared with a reporter of the Akron Channel 5 News that “she firmly believed that she shouldn’t be locked up and what she did was best for her children was not a crime.” For this woman—this mother—the decision to use her means to enroll her children into a better school, she said, was her duty (Akron Ohio, News Channel 5, 2011).

According to the State of Ohio Adult Parole Authority, from 2006 through 2008, Kelley Williams-Bolar resided at 933 Harford Avenue in Akron, Ohio with her two daughters in a three-bedroom home that was provided by the Akron Metropolitan Housing Authority. While she and her children were residents of this public housing facility, Williams-Bolar “fraudulently enrolled her children in the Copley-Fairlawn schools by claiming in a sworn statement that she and her children lived with her parents in Copley, Ohio” (State of Ohio Adult Parole Authority, 2011, p. 3). The address that Williams-Bolar used on her children’s school enrollment was to her father’s (the children’s grandfather) home located on the 1300 block of Black Pond Drive. She made this

school/district choice as a means to protect her children from “a failing society”, the failing Akron Public School District, and in an effort to “keep [her] children safe” (Nethers, Fox 8 News of Cleveland, 2011). According to a report given to Akron Ohio’s Fox 8 News station, Edward Williams said that he “chose to let his grandchildren live with him because he was concerned about them being alone at their mother’s house in Akron” (Nethers, Fox 8 News of Cleveland, 2011). In news clip that aired on the Dr. Phil show in 2011, Williams-Bolars’ father, stated that “[his] daughter put this [the address on Black Pond Drive] down because this is where she spends most of her time, and the children’s time. It’s just like they do live here, so they just use this address.” Because Kelley Williams-Bolars’ children lived with their grandfather at various points of the year, she took advantage of the opportunity to enroll her children in schools that served the Copley-Fairlawn citizens. The schools in the Copley Fairlawn Schools district have continuously out performed the Akron City Schools in meeting academic standards. While Kelley Williams-Bolar has been accused and charged with the crime of “stealing education” as offered by the Copley-Fairlawn schools, she argues that she was doing what was necessary for her children to have a good education.

Who is Kelly Williams-Bolar? Who Does She Represent? Kelley Williams-Bolar is an African-American, single mother, who made a decision regarding the education of her children that will have an everlasting impact on her life. Not only has the school choice decision brought undesirable media attention to her and her family, but it has also resulted in major consequences that will continue to affect her social, professional, and economic growth as a U.S. citizen. According to Kimberlé Williams Crenshaw, a scholar of critical race theory and critical legal studies, African American women, at increasing rates are victims of high incarceration as result of the intersectionality of race and gender in regards to victimization of targeted crime. While

some may consider what Kelley Williams-Bolar did a crime, others consider her decision avoidably necessary and unfortunately justifiable given the social, historical, and political circumstances that frame her motive.

As far back as slavery, the hard-pressed decisions that single¹ women have had to make in the best interest of their families—especially their children—can be noted with substantial significance. During the time of slavery, African American women oftentimes had to negotiate the decision of protecting their children or attaining freedom². In present day circumstances African American single-mothers have been depicted as often having to sacrifice their children for food, medication, and even freedom from incarceration. There has been a continual disproportion of African American single-mothers dealing with economic and social hardship. According to the National Women’s Law Center, “the poverty rate for female-headed families with children is 40.7 percent, compared to 24.2 percent for male-headed families with children, and 8.8 percent for families with children headed by a married couple.” This number increases to 47.5% for African American women. Crenshaw states, “Black women’s experiences are much broader than the general categories that discrimination discourse provides” (Crenshaw, 1989, p.149). Thus, the statistics above are not cannot simply be interpreted by the distinction of race, but must be understood in the context in which racial discrimination and disadvantage intersect.

The State of Education in Ohio. Kelly Williams-Bolar was sued by the state of Ohio and convicted of fraudulently enrolling her children in the Copley-Fairlawn School District. From the perspective of the district, “there was a genuine dispute with Copley-Fairlawn Schools over her daughters’ rights o attend school tuition-free based upon the amount of time they were spending on Black Pond Drive” (State of Ohio Adult Parole Authority, 2011, p. 2). However,

¹ In the presented context, “single” refers to a woman who serves as the sole provider for her household and/or family.

² Jacobs, H. (1861). *Incidents in the life of a slave girl*. Boston

due to the continuous unsatisfactory state of Ohio's education system, the criticism of one's efforts to receive the best education available can be considered harsh.

In 1802 when the Constitution of Ohio was written, according to Ohio Supreme Court Justice Francis E. Sweeny, Sr. it was scribed with a "deep-seated belief that liberty and individual opportunity could be preserved only by educating Ohio's citizens" (DeRolph v State, 1997). However in 1991, the Supreme Court of Ohio heard the case *DeRolph v. the State of Ohio*, 78 Ohio St.3d 193, 677 N.E.2d 733. In this case, the Ohio Coalition of Equity and Adequacy of School Funding, along with more than 10 Ohio school districts, parents, children, and community members, charged that the state was unconstitutionally denying many of the public school children with adequate and equitable educational opportunities (Hunter, 2000). Finally, in the 1997 decision, the Ohio Supreme Court stood in favor of these accusations and ruled that:

Ohio's elementary and secondary public school financing system violates state constitutional provision which requires General Assembly to secure a "thorough and efficient system of common schools" throughout the state, in light of evidence many school districts lack sufficient funds to provide students with safe and healthy learning environment and cannot provide basic resources necessary to educate those students.

(DeRolph v. State, 1997)

This ruling suggested that, in accordance with the State Constitution's "Thorough and Efficient Clause", that the schools did not have ample teachers, sound buildings, and were not in full compliance of state safety and education codes and requirements (DeRolph v. State, 1997). To address this issue, the state mandated a one-year turn around to do a complete revamp of their education financial system, which to this day still has not met sufficiency. Based on these facts,

it is clear why parents, like Williams-Bolar and the parent plaintiffs in *DeRolph*, have deep concerns with the quality of education that their children would receive in Ohio.

Chapter II

Theoretical Framework and Methodology

Nearly 60 years following the landmark decision of *Brown v. the Board of Education of Topeka Kansas*, our nation is still on a quest to rectify the epidemic of educational inequality and inequity. The problem of education disparity and the academic achievement gap still exists vis-à-vis race, class, and property lines. The purpose of this paper is to use the case of *State of Ohio v. Kelley Williams-Bolar* as a current example of educational disparities that are the incumbent results of the intersection of race and class differences, as well as one's status of property ownership. To draw this connection, a case analysis will be utilized. This analysis will be conducted by using the theoretical framework of Critical Race Theory (CRT). A CRT analysis of this case proves useful, as it is a theoretical approach that analyzes white supremacy and the hierarchical social constructions of race in relation to how these systems have been reproduced over time. CRT was birthed from the field of Critical Legal Studies (CLS). In CLS, scholar Derrick Bell, Jr. critiqued the legal implications of the *Brown* decision through his analysis of how it was not necessarily rooted in the interest of black school children, but instead in the interests that it served of white beneficiaries (Bell, 1980). Following this field of study, CRT seeks to critically explore the way in which the historical implications of race have continued to negatively and disproportionately impact social, political, and legal experiences of African Americans and individuals of other minority ethnicities. The scholars of Critical Race Theory purpose to "challenge the dominant stories of a racist U. S. society...and argue for the need to examine contemporary events with the historical context in mind" (Dixson & Rousseau, 2006, p. 2 &3).

Methodology

The inferences made in response to the researcher's analysis of the case of *State of Ohio v. Kelley Williams-Bolar* were conducted through the use of an instrumental case study. An instrumental case study "serves the purpose of illuminating a particular issue" (Creswell, 2012, p. 465). This research design method was chosen because "it serves the purpose of illuminating" the issues of racial and class discrimination in this particular court case, and may lead to a larger overview that can be used to better understand the disparities in school access and experiences, the academic "achievement gap", and the disproportionate availability of social mobility that remains between many black and white P -12 students and their families.

Data Collection and Analysis

The data for this case study has been gathered through observations of media reports, as well as facts of the case retrieved from the public records of the Summit County Court, the State of Ohio Adult Parole Authority, school district data provided by the Ohio Department of Education. This secondary data that has been collected for this research was analyzed and re-interpreted through the lens and tenants of Critical Race Theory.

When analyzing the media reports of the case, close attention was paid to how the issues of race and class are discussed in regards to the decision that Kelley Williams-Bolar. Secondly, court case documents were studied to gain a better understanding of the punishment and consequences faced by Williams-Bolar. These court cases were then deconstructed through critical race theory literature that focus on how the disadvantages of African Americans have historically been validated within the courts of law.

To support the argument that there are historical discriminatory factors that contribute to the occurrence of this situation and the outcome of the case, housing value and school district

data will be analyzed. The analysis of housing data is important to this study because it will allow demographic framing of the neighborhood make-up of the school district that Williams-Bolar sent her children to and the school district that she was “supposed” to send her children to.

Finally, and perhaps the most important analysis of data will be of the public school district records of the Copley-Fairlawn City School in comparison to the Akron Public School District as well as the two individual schools that she enrolled her daughters in, as well as the two particular schools that according zoning regulations they should have gone to. A cross-comparison of this data will be used to illustrate the discrepancies between each school/school district.

Chapter III Review of Literature

Historical Precedence of Separate but Equal

The case, *State of Ohio v. Kelley Williams-Bolar* does not stand alone or as the first case that addresses location, class status, and citizenry in regard to one's utilization of space, and more specifically, school assignments. For over 160 years, people of African ancestry have faced the courts in legal battle to have quality and equitable educational resources. *Brown v. Board of Education of Topeka, Kansas* is noted as the landmark Supreme Court case that ended race-based school segregation nearly 60 years ago; however, discrimination in the schooling of African American children has a deep-rooted and festered history that predates the *Brown* ruling by over 100 years. This relevant literature places the current controversy surrounding the punishment of Kelley Williams-Bolar in a historical context of legal challenges to the racial social order in the United States. Examining these similar cases in the African American struggle for equitable opportunity is necessary in understanding and rectifying the perpetual racial and social inequality that continues to deny blacks quality educational opportunities.

The African American struggle for equality and equity. In 1849 the Massachusetts Supreme Court tried the first legal attack on school segregation when it ruled the decision of *Roberts v. City of Boston*. In this case, on behalf of his five-year-old daughter, Benjamin F. Roberts asked that his daughter Sara be allowed to attend one of the white elementary schools that were closest to their home (Fraser, 2010; Raffel, 1998). Prior to their appearance in court and Roberts' decision to sue the city of Boston, Sara Roberts and her father entered each of the 5 all-white schools in her neighborhood with an application of admission. Each school refused her "on the ground[s] of her being a colored person" and the fact that there was an established school for colored children which she could attend (Fraser, 2010, p. 75). Because of the legal

segregation of black and white school children, Sara Roberts was forced to “walk past 5 white elementary schools to attend the all-black and run-down Smith School” (Raffel, 1998, p. 221). In statement of the final decision, the Supreme Judicial court acknowledge the plaintiffs argument that the “maintenance of separate schools tends to deepen and perpetuate the odious distinction of caste, founded in a deep-rooted prejudice” (Fraser, 2010, p. 81) as well as “branded a whole race as inferior” (Raffel, 1998, p. 221). However, the Court delineated this idea of perpetuated prejudice through school segregation as simply a “public opinion” that was not created, nor could have probable change, via the law (Fraser, 2010). “Supreme Court Justice Lemuel Shaw permitted segregated schools on the bases that the Boston School committee did have the right to classify and distribute schoolchildren by race, and that this separation benefited both black and white children” (Raffel, 1998, p. 221). Although through great diligence Benjamin Robert was able, though not until 1855, to get the Massachusetts legislation to prohibit school assignment based on race, the original decision of *Roberts v. City of Boston* set precedence for the idea and practice that separate facilities and schools for black and white people were acceptable by the courts of law.

If in the *Roberts* decision the idea of racial inferiority was simply a “public opinion”, it must have been a popular one that was adopted by the United States Supreme Court less than ten years later in the historic ruling of *Dred Scott v. Sanford* (1857). The Supreme Court in *Dred Scott v. Sanford* “addressed whether the descendants of African slaves, when emancipated or born of parents who became free before their birth, could be considered citizens under the Constitution” (Byrd-Chichester, 2001, p. 12). Although this case does not directly deal with the education of African Americans, it more broadly addresses the denial of citizenship that African Americans faced in the U.S. as part of the deliberate effort to maintain the social and racial order

of society in keeping blacks socially inferior to whites. According to the Supreme Court in *Dred Scott*, it was not the intention of the founding fathers of the United States, and the framers of the United State's governing body, the Constitution, "for blacks to be citizens because as an entire race they were considered "a subordinate and inferior class of beings...subjugated by the dominant race" (Byrd-Chichester, 2001, p. 12). Further, transcribed in the courts documents according to Supreme Court Chief Justice Roger Taney, Blacks had:

[F]or more than a century before been regarded as beings of an inferior order; and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect... This opinion was at the time fixed and universal in the civilized portion of the white race. It was an axiom in morals as well as in politics, which no one thought of disputing... and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion. (Byrd-Chichester, 2001, p. 13)³

The *Dred Scott* (1857) decision held that blacks, including blacks who were not bound by slavery, were not citizens of the United States and therefore were not entitled to the guarantees of the Constitution (Raffel, 1998). Continuously upheld by the Courts, the this decision affirms historic and continued inferiority, denial of citizenship, and access to certain rights and privileges that are reserved to be enjoyed by white Americans.

The precedence of segregation that was set in place by *Dred Scott* and illustrated in regard to educational access, such as in the *Roberts v. City of Boston*⁴ decision, was reaffirmed

³ Direct quote taken *Dred Scott v. Sanford*, 60 U.S. 691 (1857)

⁴ Inaccessibility of Blacks to educational institutions and white-dominated facilities is also documented in other court cases. See also, *Cunningham v. Board of Education of Richmond County*, (1899); *Gains v. Canada*, (1938); *Irene v. Morgan* (1946); *Mendez v Westminster* (1946); *San Antonio School Board v. Rodriguez* (1973).

nearly 50 years later. Although not directly related to school facilities and the education of children in public schools, *Plessy v. Ferguson* (1896) again reiterated the popular opinion of the nation's governing body that "separate but equal facilities were constitutional under the U.S. Constitution" (Raffel, 1998, p. 198). Homer Adolf Plessy, a train passenger who appeared to be a white gentleman but was one-eighth African, refused the conductors request to relocate to the coach that was assigned for colored passengers in accordance with the Separate Car Law and was forcibly removed from the train. Plessy challenged this happening leading to an appeal being heard by the U.S. Supreme Court. The Supreme Court denied Plessy's argument that the separation of train cars for those assigned to the colored race apart from those for whites set blacks in a place of inferiority. Supreme Court Justice Henry Billings Brown opposed this claim by stating that the plaintiff had fallacy in his argument by "assuming" that the separation of the two races placed a badge of inferiority upon those of the colored race, and that the feeling of inferiority is a conscious choice by blacks. He further argued that "segregation does not imply inferiority; it is only the interpretation that one race or another places on such separation that leads to this perception" (Raffel, 1998, p. 198). In this case the Supreme Court decided that "separate but equal" segregated facilities did indeed satisfy the Fourteenth Amendment's clause of equal protection (Bell, 2004).

From the court cases described above the primary take away is that despite denial, the governing body of the United States unremittingly practiced constitutional injustices to have separate facilities and amenities for black and white Americans. This separation of privileges is deeply rooted in the American public school system. Non-white minorities have continuously been forced to face the courts in protest of unmet provisions of both the Due Process and Equal Protection Clauses as stated in the Fourteenth Amendment to the United States Constitution. The

Fourteenth Amendment “prohibits state and local governments from depriving persons of life, liberty, or property without certain steps being taken to ensue fairness” by way of:

established broad definition of citizenship and required states to provide equal protection under the laws and due process to all persons within their jurisdiction. With respect to equal rights, it was the most significant structural provision incorporated into the Constitution since the original framing. (Anderson, 2006, p. 18)

The Overturning of “Separate But Equal”: *Brown v. Board*

Earmarked as the U.S. Supreme Court’s most significant decision surrounding race, *Brown v. the Board of Education of Topeka, Kansas*, 347 U.S. 483 (*Brown*) 1954, overturned the misnomer of the idea of “separate but equal” as legitimized by *Plessy*. While the aforementioned court cases briefly describe the U.S. legalization and justification of social, economic and citizenry disparities based on one’s race, in *Brown* decision the courts ruled that separate schools for black and white children were unconstitutional, thus officially overturning the *Plessy* decision.

Brown v. Board of Education of Topeka, Kansas was not based on an isolated event, but instead was a consolidation of several court cases from 4 different states: (*Harry Briggs, Jr., et al. v. R. W. Elliot, et al.*; *Dorothy E. Davis, et al. v. County School Board of Price Edward*; and *Ethel Louis Belton et al. v. Frances B. Gebhart*. (Raffel, 1998; Kluger, 1975; Catrol, Diamond, & Ware, 2003). The plaintiffs in each of these cases approached the courts with various complaints and concerns, but universally arguing that the designation of black schools and white schools for elementary aged school children had a negative impact. This separation damaged the academic as well as social, psychological, and emotional development of children. In the ruling, it was noted by Chief Justice Warren of the Supreme Court that:

“[t]o separate them [black children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in ways unlikely ever to be undone. (Fraser, 2010, p. 293)

As a consequence of black children being in segregated schools, although they may have been receiving the same quality of curriculum by their teachers, they often did not have the same supplemental learning materials as their white counterparts. These resources included but were not limited to proper textbooks, source materials, and adequate building facilities. Also, in the few cases where schools had already begun “forced” desegregation⁵, the “separate but equal” Jim Crow ideologies that governed these organizations still caused students to feel handicapped in their studies and limited ones ability to fully engage in and benefit from their educational experiences (Cattrol, Diamond, & Ware, 2003). Although these actions were justified by said institutions, because access to African American students was available, the full benefits of participation was denied thus having a negative effect on the students’ level of self-efficacy.

Documented in an official report from the court hearing it was found that:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. (Brackets original) (Fraser, 2010, p. 295)

⁵ This happened mainly in institutions of higher education, see *McLaurin v. Oklahoma State Regents for Higher Education*, as well as within the areas of the labor force.

As a result of the legal acknowledgement of the detriment of segregated schooling, in the years since *Brown*, United States' policymakers have taken great measures, or what John A. Powell considers to be a "half-hearted attempt at best," (Hartman, 2001, p. 146) to close the achievement gap between black students and their white, and socially and economically privileged counterparts. Eventually the Supreme Court voted that separate schools for black and white children were to be deemed unconstitutional. While new policy has been incorporated into the educational system to address the achievement gap, the disparity in educational achievement between black and white students continued to grow. Ending with the ruling of *Brown v. Board of Education of Topeka Kansas*, legalized mandates of "separate but equal" education facilities, however the spirit of this ideology still lived on.

Understanding *Brown* and Desegregation. Although *Brown* eradicated de jure school segregation, and challenged segregation in other social arenas, the spirit of separatism did not disappear so quickly. In his book *Silent Covenants*, Derrick Bell (2004) refers to the outcome of *Brown* as symbolic rather than realistic relief for segregated schools. It should be duly noted that the decision of *Brown* ruled *only* that race-based school segregation was unconstitutional because of the psychological harm that it caused black children as well as its violation of the Equal Protection Clause of the fourteenth amendment. Not only did the Court not order relief of segregated schools and districts, it also did not account for the socially stratified contexts in which schools were situated. According to Gavin Kearney, although school segregation was outlawed in 1954, "it is clear that the "problem of the color line" of which W.E. B. DuBois spoke has outlived the twenty-first century" (Kearney, 2001, p. 1). One of the oversights of the *Brown* decision is that although race-based school segregation was an issue that needed to be addressed, it was not an isolated issue in the way that it would continue to hinder the social progress of

African Americans in relation to their white counterparts. Social and economic factors continued to maintain heavy concentrations of white students in some schools, while black students heavily populated other schools at significant rates. The spirit of school segregation continues to live on through poverty rates and housing segregation. “Segregation in housing patterns and racially segregated communities created segregated schools” (Clarke, 2001, p. 11).

Housing Segregation

When the 1964 Civil Rights Act directed the United States government to discontinue funding schools that were racially discriminatory, many districts reassigned students to the schools closest to their home. This reassignment naturally forced black students to attend schools in the mostly black and poor neighborhoods and white students to go to schools in the predominantly white and more progressive neighborhoods, due to high housing segregation in the cities (Freund, 2007). This separation within housing and schooling created the phenomenon of the “color line”—a socially constructed separation amongst races and classes (Wells and Crain, 1997). The color line is the social apparatus that “segregates African Americans from full participation in American society” (Kearny, 2001, p. 1) as well as reflects the geographical zoning lines that denote which areas and neighborhoods are commonly designated for whites and the economically affluent, and the areas that are designated for blacks and other socially and economically subordinate citizens.

According to Denton and Massey, “most Americans vaguely realize that Urban American is still a residentially segregated society” (Massey, D. & Shapiro, O., 1998, p.1). The American metropolis as we know it today and its omnipresent counterpart suburbia began to take its shape in the 1940s. “By the 1960s, most of the nations suburban dwellers lived within independent political jurisdictions known as “home rule” municipalities” (Freund, 2007, p.46).

These municipalities were considered “home ruled” because they were powered by their own government, collected their own taxes, and adopted zoning ordinances. The autonomy that these suburban citizens had was used to monitor the types of establishments that were brought into the neighborhood, as well as who could and could not live there. These practices magnified the trends of racial and class segregation that were already put in place by the federal mortgage programs and private acts of discrimination (Freund, 2007). This racial divide of communities did not just happen because the neighborhood dwellers chose to cluster by race. Property realtors had first-hand involvement in organizing what were called “neighborhood improvement associations” that resisted the entry of blacks into particular neighborhoods by preventing the sale of house deeds to non-white buyers (Massey, 2007). Even the *Underwriting Manual* of the Federal Housing Authority stated “if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes” (Massey, 2007, p. 60). This mandated filtration of who could or could not live in particular neighborhoods naturally affected who could or could not go to the schools in those neighborhoods. This living space dynamic did not only reject and degrade African Americans, but it also had a negative impact on their livelihood by denying them access to certain employment opportunities, financial assistance, home equity, and better educational systems (Wells & Crain, 1997). “Residential segregation is the institutional apparatus that supports other racially discriminatory processes and binds them together into a coherent and uniquely effective system of racial subordination” (Massey & Denton, 1998, p. 8).

Public Housing. One major apparatus of residential segregation are public housing developments. Beginning in 1937, as a reactionary effort to address the need to revitalize urban areas, the Federal Housing Administration established government subsidized home loans and

began public housing programs to address the economic and social decline that was a result of the nation's economic depression. In the 1960, these programs allowed more than 2 million citizens to live in homes that they, without aid from the government, would not be able to afford. However, thirty years after the inception of the governmental public housing efforts, they began to fail because efforts only targeted localized symptoms of economic hardship, and not the structural systematic devices that led to a decline in home affordability. "Public housing developments [became] synonymous with dilapidated inner-city environments, concentrated poverty, and high crime" (Orfield, 2002, p. 75). Despite the U.S. Department of Housing and Urban Development's move to end the placement of public housing in disadvantaged neighborhoods during the 1970s, this trend is still present (Schwartz, MacCabe, Ellen, Chellman, 2010). In 1997, it was reported that "over half of public housing units nationwide are in neighborhoods with over 50% minority residents and over one-third of public housing units are in neighborhoods with poverty rates greater than 40% (Schwartz et., 1997, p.71).

Chapter IV Argument

When African Americans pressed for an end to legalized school segregation in the years leading up to the 1954 Brown v. Board of Topeka decision, it was not the companionship of white children they were seeking for their children: It was access to educational resources. The schools white children attended had better facilities, better equipment and supplies, more curricular options, and often (although not always) more highly trained teachers than those serving black children. Black parents believed that equal access to those publicly funded resources was their children's birthright. Attending the same schools white children did seemed the most likely means to achieve it. [Italics added] (Tatum, 2010, p. 29)

Though de jure segregation remains unconstitutional in the United States, America's public school system still provides the socially and economically affluent access to higher quality education opportunities, while denying the same to minority and lower class students. Despite the efforts of desegregation by public school districts as well as the opportunity of school choice through voucher programs and charter schools, racial segregation within schooling and educational outcomes has not been eradicated. For parents and students who do not live in affluent neighborhoods, or who live in districts where school quality is subpar, simply giving them the opportunity to utilize other schools does not mitigate the effects of individual circumstances (such as historically rooted race based discrimination and poverty). While some parents may have the opportunity to take advantage of school-choice options, these options lack meeting the needs of the broader movement of empowerment and equality for all students (Scott, 2012). The case of the "The Akron Mom" is an example of educational disparities resulting from the intersection of race, class, and property ownership.

The Role of Race is a Significant Factor in the “Akron Mom” Case

In the case of the “Akron Mom” it would be easy, yet presumptuous to assert that she and her children were targeted simply because of the color of their skin. However, the race of Kelley Williams-Bolar can be implicated in the consequences of her actions regardless of the intent of the school and/or district officials. African Americans, at an increasing rate, have disproportionally been disempowered, not only through color-based or colorblind discrimination, but also through categorical mechanisms that have continued throughout the 20th century to work to the advantage of whites (Massey, 2007). “[R]acialized mechanisms of stratification do not operate in isolation, of course, but interact with other, class-based processes that generate inequality between people on the basis of income and wealth” (Massey, 2007, p. 158).

Within the past year, controversy surrounding parents using alternative addresses to enroll their children in schools that school district policies deem them ineligible for has reached the media on two separate and directly unrelated occasions. In Norwalk, Connecticut, just 3 months after Kelley Williams-Bolar’s conviction, in January 2011 mother Tanya McDowell was sentenced to 12 years in prison on charges of first-degree larceny and conspiracy for fraudulently using her babysitter’s address while she was homeless, to enroll her child in a Norwalk elementary school.⁶ Although there is no direct relationship between these two instances, the ascriptive factors surrounding both cases are very similar. In both cases, African American, single mothers were sought out and arrested for wrongly enrolling their children in schools outside of their neighborhoods. The argument of both school districts was that the mothers engaged in educational “theft.” Although alleged thievery of education was the main focus in both cases, throughout the course of their trials other illegal activity (such as drug trafficking,

⁶ See Case Docket Number S20N-CR11-0128870-S, of the State of Connecticut Judicial Branch

fraud, and lying on certified documentation) was highlighted. In the case of the “Akron Mom” Kelley Williams-Bolar and her family received public assistance through public housing; and in the case of Tanya McDowell she and her son were homeless. In both cases the women were African American, single parents, and were in circumstances that forced them to have to raise their children under extreme impoverished conditions.

High levels of poverty and extreme poverty are disproportionately found in African American communities—at even higher rates where African American females head the household. According to the National Women’s Law Center (2011), in 2010 “more than 1 in 7 women, over 17.2 million, lived in poverty”; nearly 44 percent of these women (more than 7.5 million) lived in extreme poverty.⁷ This number reflects that almost 1 in 15 women lived in poverty during 2010. These numbers are more significant when disaggregated by race. “Poverty rates were particularly high, at more than 1 in 4, among black (25.6 percent), Hispanic (25.0 percent), and Native American (26.4 percent) women” (p.3). Figure 1 below shows the significant difference in poverty among all women, especially minority women, in comparison to White, non-Hispanic males. Additionally, Figure 2 shows the poverty rates for families with children, disaggregated by both race and gender of heads-of-household.

⁷ Income at or below 50 percent of the federal poverty level.

Figure 1.

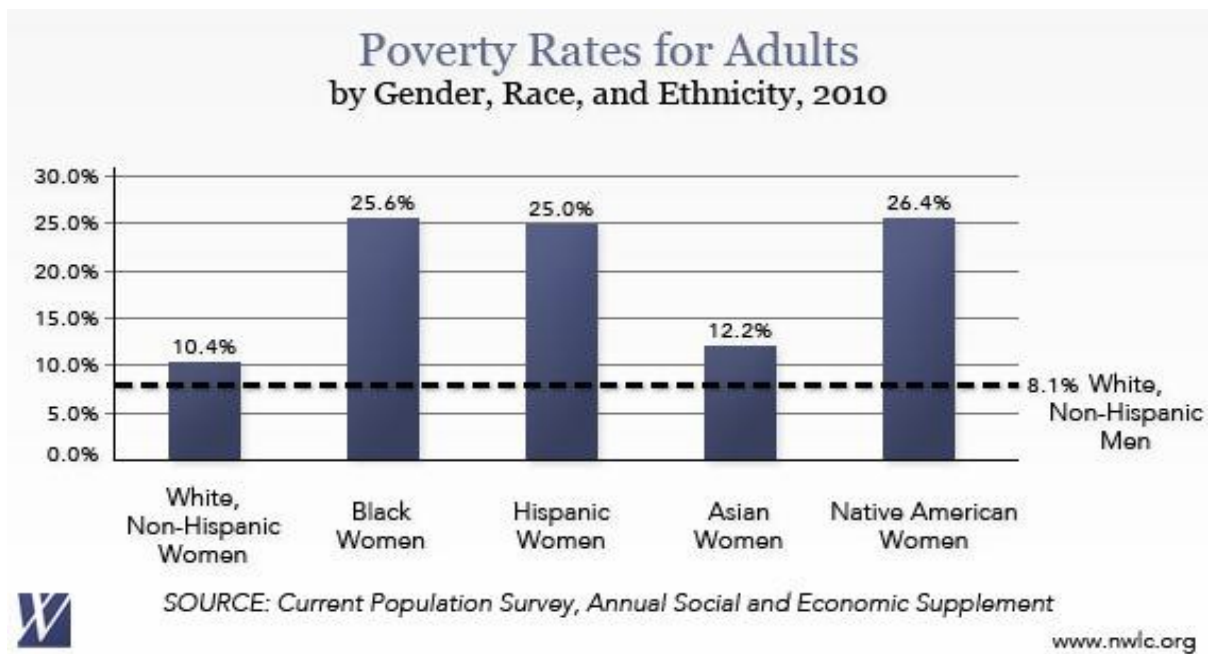
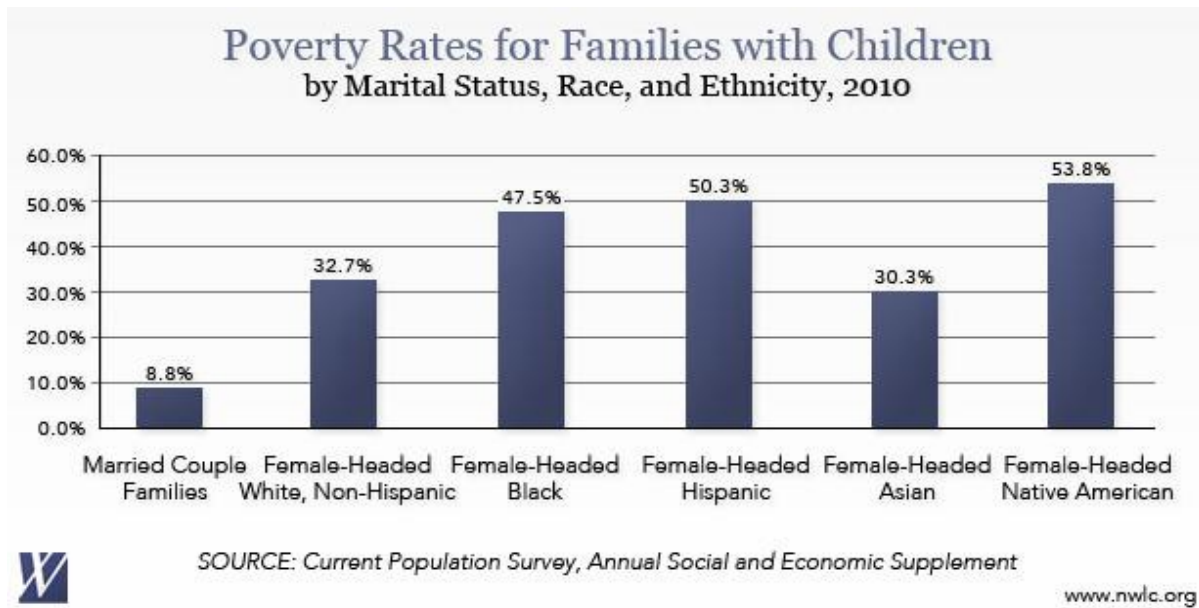


Figure 2.



Kelley Williams-Bolar (as well as Tanya McDowell) being an African American, single-

mother, is at a higher vulnerability rate to live in both hyper-segregated and high poverty areas. Research by Massey shows that as income distribution becomes more unequal, differences among classes continues to increase, and that the most probable outcome is an increase in geographical segregation based on demographics and levels of affluence and poverty (Massey, 2007). The confluence of poverty and race (and gender in the case of who makes decisions for families and children) impact and narrow the educational options and choices for African American children (Dixon, 2011). According to the 2010 report of the Children's Defense Fund, in 2008, more than 5.6 million children were products of families that lived at or below the poverty level, and Black and Hispanic children were more than two times likely to be poor than white or non-Hispanic children. During this same year, of all poor American citizens under 18 years old, 34% were African American. It is these stark differences in the levels of poverty based on race and family make-up that Ladson-Billings and William Tate argue are directly related to educational outcomes for African American students.

According to the Copley-Fairlawn City Schools district, Kelley Williams-Bolar's permanent address was in a public housing project in Akron Ohio. In research done on the education of children who live in public housing, researchers report that "[p]ublic housing developments are typically located in neighborhoods with low median incomes, high rates of poverty, and disproportionate concentrations of minorities" (Schwartz et al., 2010, p. 69). In their study, it was found that students who live in public housing score lower on standardized tests than students who do not. Even when controlled for school, it was found that students from public housing underperformed compared to students who attended the very same school but did not depend on public housing subsidy. Poverty and racial isolation have a negative impact on academic success because of the limited exposure it offers to quality public resources such as

schools, health care, fresh crops and foods in markets, and other public services (Schwartz et al., 1997; Dreier, et al, 2001, Massey, 2007).

Due to Copley-Fairlawn district's zoning regulations, Kelley Williams-Bolar was not entitled to enroll her children in the Copley-Fairlawn schools. According to the district, their permanent address was not within the district thus her children were not entitled to Copley-Fairlawn education. According to Karoli (2011), after Kelley Williams-Bolar's father had a stroke 4 years prior, she became his sole caretaker. When she was not living with him in his house on Black Pond Road (which was in the Copley Township), she lived in subsidized housing projects on Hartford Street in Akron. Although there are just a few of miles between the two locations, the demographic make-up and level of safety, according to the family, are greatly different.

Figure 3.

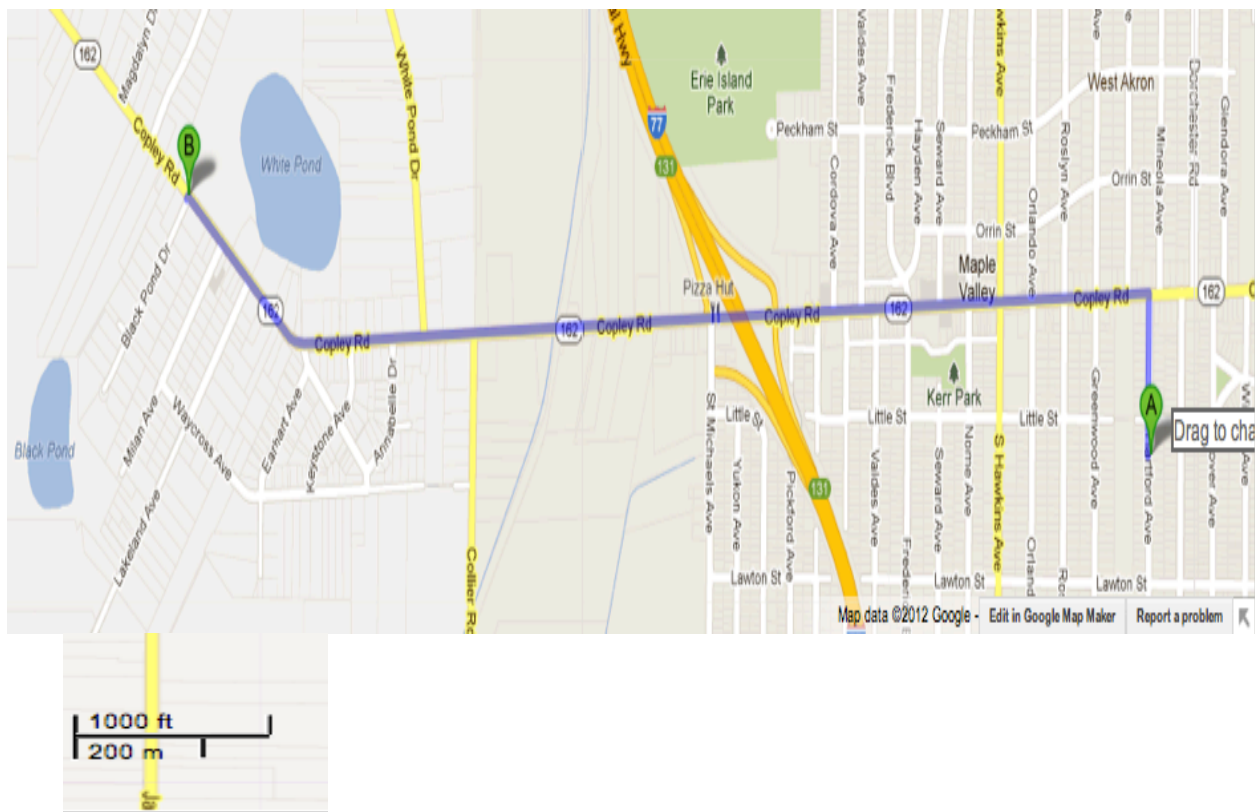


Figure 3 above shows a Google Maps image of the route between the address at 933 Hartford Avenue, Akron, Ohio 44320 (Point A) and the 1300 block of Black Pond Drive, Akron Ohio 44320. According to the driving directions provided by the maps application of Google, the distance between the two locations is 2.0 miles, which is approximately a 6-minute drive. Although the two neighborhoods, and the schools that served these areas, were very close, the differences in the schools are glaring.

It has been noted that at the time the Williams-Bolar girls were allegedly illegally enrolled in the Copley Fairlawn City School system from 2006-2008 that they were seven and twelve years old. Using this information and the home addresses the quality of the two of the Copley-Fairlawn schools and the Akron schools that the children would have attended can be compared. The Copley-Fairlawn City Schools that the children attended were Arrowhead Primary Elementary School and Copley-Fairlawn Middle School. During the 2006-2007 school year, in compliance with the No Child Left Behind mandated yearly progress evaluations both of these Copley –Fairlawn schools received school designations of “Excellent”. In the areas of Reading, Mathematics, Social Studies and Writing, in order for a school to meet satisfactory, “at least 75% of students tested must score proficient or higher on the given assessment” (Ohio Department of Education”. The Arrowhead Primary School met 6 out of 6 school indicators—having all of their students scoring well above the state minimum on all subject assessments—students scored at least 88.5% in each subject area. Likewise, Copley-Fairlawn Middle School met 13 out of the required 14 state indicators, missing the 14th by only 0.5%. (See Figures 4 and 5)

Figure 4.

IRN: 001024

Arrowhead Primary Elementary School

2006–2007 SCHOOL YEAR REPORT CARD

1600 Raleigh Blvd, Copley, Oh 44321-2024 - Grades: K-4 - Copley-Fairlawn City, Summit County

CURRENT PRINCIPAL:
Gary L. Novak
(330) 664-4885

CURRENT SUPERINTENDENT:
Roger L. Saurer
(330) 664-4800

**Your
School's
Designation:
Excellent**

*The designations are Excellent,
Effective, Continuous
Improvement, Academic Watch
or Academic Emergency.*

Number of State Indicators Met Out of 6	6
Performance Index Score (0 – 120 points)	103.3
Adequate Yearly Progress (AYP)	Met
School Improvement Status*	OK

*Students enrolled in Title I schools with 1 or more years in School Improvement status may be eligible for Public School Choice or Supplemental Educational Services. Contact your school for specific options available to your child.

Ohio report cards use multiple measures to determine each school's designation. To earn one of the 30 indicators for 2006-07, at least 75% of students tested must score proficient or higher on a given assessment. Any result at or above the state standard is shown in bold.

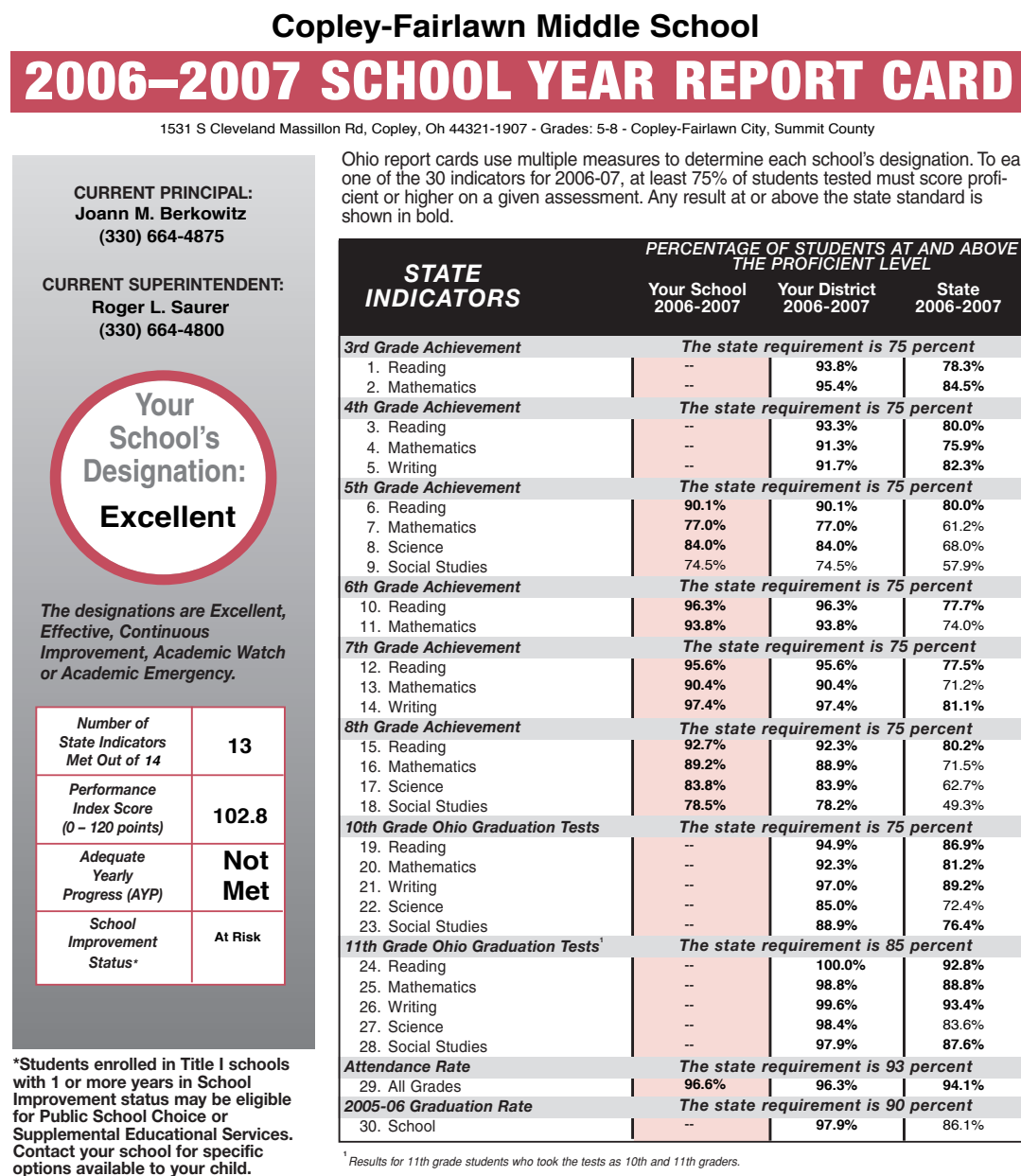
STATE INDICATORS	PERCENTAGE OF STUDENTS AT AND ABOVE THE PROFICIENT LEVEL		
	Your School 2006-2007	Your District 2006-2007	State 2006-2007
3rd Grade Achievement	The state requirement is 75 percent		
1. Reading	90.0%	93.8%	78.3%
2. Mathematics	92.5%	95.4%	84.5%
4th Grade Achievement	The state requirement is 75 percent		
3. Reading	91.3%	93.3%	80.0%
4. Mathematics	88.5%	91.3%	75.9%
5. Writing	91.3%	91.7%	82.3%
5th Grade Achievement	The state requirement is 75 percent		
6. Reading	--	90.1%	80.0%
7. Mathematics	--	77.0%	61.2%
8. Science	--	84.0%	68.0%
9. Social Studies	--	74.5%	57.9%
6th Grade Achievement	The state requirement is 75 percent		
10. Reading	--	96.3%	77.7%
11. Mathematics	--	93.8%	74.0%
7th Grade Achievement	The state requirement is 75 percent		
12. Reading	--	95.6%	77.5%
13. Mathematics	--	90.4%	71.2%
14. Writing	--	97.4%	81.1%
8th Grade Achievement	The state requirement is 75 percent		
15. Reading	--	92.3%	80.2%
16. Mathematics	--	88.9%	71.5%
17. Science	--	83.9%	62.7%
18. Social Studies	--	78.2%	49.3%
10th Grade Ohio Graduation Tests	The state requirement is 75 percent		
19. Reading	--	94.9%	86.9%
20. Mathematics	--	92.3%	81.2%
21. Writing	--	97.0%	89.2%
22. Science	--	85.0%	72.4%
23. Social Studies	--	88.9%	76.4%
11th Grade Ohio Graduation Tests¹	The state requirement is 85 percent		
24. Reading	--	100.0%	92.8%
25. Mathematics	--	98.8%	88.8%
26. Writing	--	99.6%	93.4%
27. Science	--	98.4%	83.6%
28. Social Studies	--	97.9%	87.6%
Attendance Rate	The state requirement is 93 percent		
29. All Grades	96.1%	96.3%	94.1%
2005-06 Graduation Rate	The state requirement is 90 percent		
30. School	--	97.9%	86.1%

¹ Results for 11th grade students who took the tests as 10th and 11th graders.

www.ode.state.oh.us/reportcard



Figure 5.



www.ode.state.oh.us/reportcard



In contrast, the elementary and middle schools of the Akron City School District that serve the Hartford Avenue address --Schumacher Academy Elementary School and Perkins Middle School,--during the same year did not show the same level of “adequate yearly progress”. Unlike the schools in the Copley Fairlawn district, both these elementary and middle schools

received an overall distinction of “Academic Watch” on state report cards. As mentioned earlier, Williams-Bolar wanted to protect her children from the failing schools in Akron. This desire is not blameworthy considering that of the 10 State Indicators to be met by each school, the Schumacher Academy elementary school only met 3, and Perkins middle school only 1. In the same areas of Reading, Writing, Mathematics and Social Studies, Schumacher Academy Elementary School only had between 22.6% and 86.8% of their students meeting proficiency; at Perkins Middle school, much lower, only at 20.6% and 60%. The only state indicator that Perkins Middle School met was the student Attendance Rate, which was significantly high at 94.5%, given the low academic performance. (See Figures 6 and 7 on next page)

Figure 6.

Schumacher Academy Elementary School

2006–2007 SCHOOL YEAR REPORT CARD

1031 Greenwood Ave, Akron, Oh 44320-2703 - Grades: K-5 - Akron City, Summit County

CURRENT PRINCIPAL:
Stephanie Churn
(330) 873-3386

CURRENT SUPERINTENDENT:
Sylvester Small
(330) 761-1661

**Your
School's
Designation:
Academic
Watch**

The designations are Excellent, Effective, Continuous Improvement, Academic Watch or Academic Emergency.

Number of State Indicators Met Out of 10	3
Performance Index Score (0 – 120 points)	75.1
Adequate Yearly Progress (AYP)	Not Met
School Improvement Status*	Improvement Year 1 (Delay)

Students enrolled in Title I schools with 1 or more years in School Improvement status may be eligible for Public School Choice or Supplemental Educational Services. Contact your school for specific options available to your child.

Ohio report cards use multiple measures to determine each school's designation. To earn one of the 30 indicators for 2006-07, at least 75% of students tested must score proficient or higher on a given assessment. Any result at or above the state standard is shown in bold.

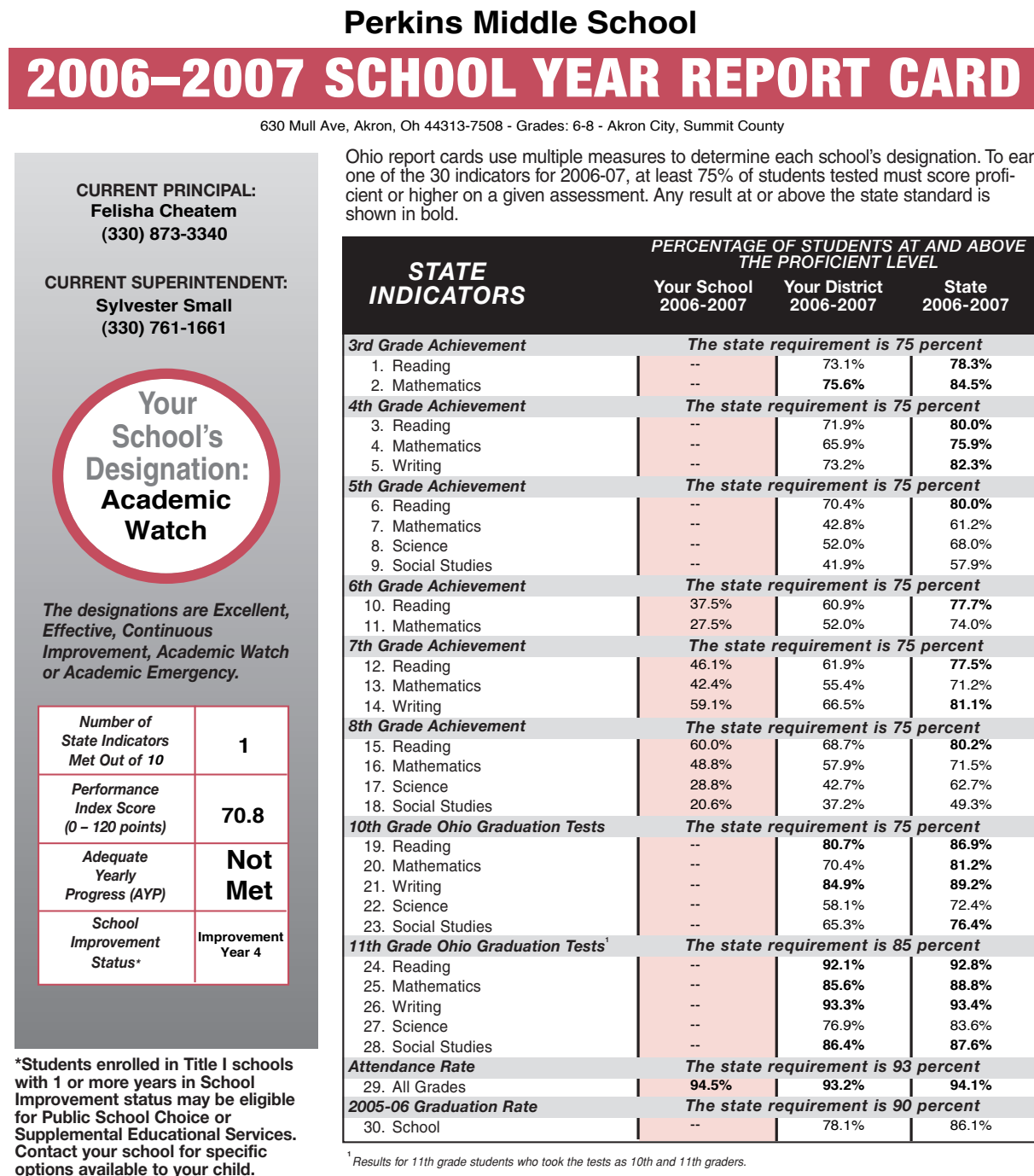
STATE INDICATORS	PERCENTAGE OF STUDENTS AT AND ABOVE THE PROFICIENT LEVEL		
	Your School 2006-2007	Your District 2006-2007	State 2006-2007
3rd Grade Achievement	<i>The state requirement is 75 percent</i>		
1. Reading	86.8%	73.1%	78.3%
2. Mathematics	76.3%	75.6%	84.5%
4th Grade Achievement	<i>The state requirement is 75 percent</i>		
3. Reading	55.6%	71.9%	80.0%
4. Mathematics	33.3%	65.9%	75.9%
5. Writing	59.3%	73.2%	82.3%
5th Grade Achievement	<i>The state requirement is 75 percent</i>		
6. Reading	64.2%	70.4%	80.0%
7. Mathematics	22.6%	42.8%	61.2%
8. Science	32.1%	52.0%	68.0%
9. Social Studies	32.1%	41.9%	57.9%
6th Grade Achievement	<i>The state requirement is 75 percent</i>		
10. Reading	--	60.9%	77.7%
11. Mathematics	--	52.0%	74.0%
7th Grade Achievement	<i>The state requirement is 75 percent</i>		
12. Reading	--	61.9%	77.5%
13. Mathematics	--	55.4%	71.2%
14. Writing	--	66.5%	81.1%
8th Grade Achievement	<i>The state requirement is 75 percent</i>		
15. Reading	--	68.7%	80.2%
16. Mathematics	--	57.9%	71.5%
17. Science	--	42.7%	62.7%
18. Social Studies	--	37.2%	49.3%
10th Grade Ohio Graduation Tests	<i>The state requirement is 75 percent</i>		
19. Reading	--	80.7%	86.9%
20. Mathematics	--	70.4%	81.2%
21. Writing	--	84.9%	89.2%
22. Science	--	58.1%	72.4%
23. Social Studies	--	65.3%	76.4%
11th Grade Ohio Graduation Tests¹	<i>The state requirement is 85 percent</i>		
24. Reading	--	92.1%	92.8%
25. Mathematics	--	85.6%	88.8%
26. Writing	--	93.3%	93.4%
27. Science	--	76.9%	83.6%
28. Social Studies	--	86.4%	87.6%
Attendance Rate	<i>The state requirement is 93 percent</i>		
29. All Grades	95.1%	93.2%	94.1%
2005-06 Graduation Rate	<i>The state requirement is 90 percent</i>		
30. School	--	78.1%	86.1%

¹ Results for 11th grade students who took the tests as 10th and 11th graders.

www.ode.state.oh.us/reportcard



Figure 7.



www.ode.state.oh.us/reportcard



To put these schools into a racial context, during the 2006-2007 school year the Arrowhead Primary school in the Copley-Fairlawn district had a student population of 79.4%

white students, with a second highest ethnicity population of only 10.8% African American. *See Figure 8*

Figure 8.

Demographic Breakdown of Student Population of Arrowhead Primary Elementary School

YOUR SCHOOL'S STUDENTS 2006-2007										
Average Daily Student Enrollment	Percentage									
	African-American	American Indian or Native Alaskan	Asian or Pacific Islander	Hispanic	Multi-Racial	White	Economically Disadvantaged	Limited English Proficient	Students with Disabilities	Migrant
396	10.8	NC	4.4	NC	4.7	79.4	14.7	3.9	11.5	NC

These demographic numbers were similar for the Copley-Fairlawn Middle School, with a population of 75.1% White Students and 16.2% African American. (See Figure 9)

Figure 9.

Demographic Breakdown of Student Population of Copley Fairlawn Middle School

YOUR SCHOOL'S STUDENTS 2006-2007										
Average Daily Student Enrollment	Percentage									
	African-American	American Indian or Native Alaskan	Asian or Pacific Islander	Hispanic	Multi-Racial	White	Economically Disadvantaged	Limited English Proficient	Students with Disabilities	Migrant
1053	16.2	NC	4.1	NC	3.8	75.1	13.0	3.8	11.0	NC

These two schools serve a population that is a vast majority of white students with less than half of minority student body populations. Based on the school ratings of “Excellent”, the students who attend these two schools seem to have access to quality academic preparation, as well as receiving high marks that will be on their school records throughout elementary, middle, and leading up to and through high school. On the other hand, the demographic data for the schools in the Akron City Schools is much different. (See Figure 10 and Figure 11 below.)

During the 2006-2007 school year (the same school year represented in the above data for the Copley-Fairlawn City Schools), both the elementary and middle schools of the Akron City

Schools District had African American student populations of more than 96%. The population of White Students in both of the Akron City schools was too few for calculation.⁸

Figure 10.

Demographic Breakdown of Students in Schumacher Academy Elementary School

YOUR SCHOOL'S STUDENTS 2006-2007										
Average Daily Student Enrollment	Percentage									
	African-American	American Indian or Native Alaskan	Asian or Pacific Islander	Hispanic	Multi-Racial	White	Economically Disadvantaged	Limited English Proficient	Students with Disabilities	Migrant
310	96.3	NC	NC	NC	NC	NC	100.0	NC	9.7	NC

Figure 11.

Demographic Breakdown of Student in Perkins Middle School

YOUR SCHOOL'S STUDENTS 2006-2007										
Average Daily Student Enrollment	Percentage									
	African-American	American Indian or Native Alaskan	Asian or Pacific Islander	Hispanic	Multi-Racial	White	Economically Disadvantaged	Limited English Proficient	Students with Disabilities	Migrant
557	96.2	NC	NC	NC	2.0	NC	81.6	NC	19.8	NC

Notwithstanding the percentage of state indicators met in relation to yearly progress, another indicator in the disparity of quality education resources that can be found within the schools' data is listed within the "Federally Requires School Teacher Information" section of each school's report cards. For example, in the Arrowhead Primary Elementary School of the Copley Fairlawn City Schools, 94.3 % of the school's teachers hold at least a Master's degree, while only 5 miles (an approximate 11 minute drive)⁹ away at Schumacher Academy Elementary School, in Summit County of Akron, Ohio only 71.5% of the teacher hold a Master's degree or higher. *See Figure 12 and Figure 13*

⁸ According to the School Year Report Cards, NC=Not Calculated. Used if fewer than 10 students in student group.

⁹ This distance was calculated by using the address from one school to another, via Google Maps application.

Figure 12.
Federally Required School Teacher Information for Arrowhead Primary Elementary School

FEDERALLY REQUIRED SCHOOL TEACHER INFORMATION		
Professional Qualifications of All Public Elementary and Secondary School Teachers in the School	Percentage	
	At least a Bachelor's Degree	At least a Master's Degree
	100.0	94.3
Percentage of Core Academic Subject Elementary and Secondary School Classes Not Taught by Highly Qualified Teachers	School	District
	0.0	0.0
Percentage of Core Academic Subject Elementary and Secondary School Classes Taught by Properly Certified/Licensed Teachers	100.0	99.1

Figure 13.
Federally Required School Teacher Information for Schumacher Academy Elementary School

FEDERALLY REQUIRED SCHOOL TEACHER INFORMATION		
Professional Qualifications of All Public Elementary and Secondary School Teachers in the School	Percentage	
	At least a Bachelor's Degree	At least a Master's Degree
	100.0	71.5
Percentage of Core Academic Subject Elementary and Secondary School Classes Not Taught by Highly Qualified Teachers	School	District
	0.0	1.8
Percentage of Core Academic Subject Elementary and Secondary School Classes Taught by Properly Certified/Licensed Teachers	100.0	97.4

The above facts and figures show how four schools that are all within a 7-mile radius of one another are vastly different. There are stark differences and disparities among the racial population of the students, the levels of economic disadvantage (See Figures 8, 9, 10, and 11), and the level of teacher qualification within the schools. It is evident in the numbers that students African American students from the Akron City Schools who likely (based on school district zoning practices) live in close proximity to their peers of the Copley Fairlawn City Schools, are not privy to the same educational resources as their Copley Fairlawn counterparts. This resource discrepancy could very well be attributed to the fact that, as stated in *DeRolph v. State*, contrary to national trends, Ohio's school revenue consists primarily of locally voted school district property tax levels. If the property value in Akron City, where there is subsidized housing that disproportionately houses low-income families and African Americans is low, the property taxes

that fund the schools in those neighborhoods would likewise be lacking, therefore underfunding educational resources.

To further put the racial discrepancies of the schools from both school districts into perspective, even though the Copley-Fairlawn schools are academically out performing the Akron City Schools overall, the academic performance rates between the races within the Copley-Fairlawn schools is still significant. Looking at the data provided by each school on the percentage of students who are testing at or above the proficient level, disaggregated by race, it is clear that even in the schools within a more prosperous and safe neighborhood, more teachers with higher qualification, and lower cases of student who are economically disadvantaged African American students are still underserved. For example, at Arrowhead Primary Elementary School in the Copley Fairlawn District, in all subject areas, and across all grade-levels, with the exception of 3rd Grade Reading, African American students significantly underperformed their white counterparts. While in all subject areas nearly 90% or more white students were performing at or above proficient levels, in some cases, only as few as 72.7% of African American students were performing at or above proficiency. In some cases there is a 20% difference in the number of white students out-performing black students at proficient levels. *See Figure 14.*

Figure 14.
Percentages of Students Performing at and Above the Proficient Level at Arrowhead Primary Elementary School, 2006-2007

YOUR SCHOOL'S PERCENTAGE OF STUDENTS AT AND ABOVE THE PROFICIENT LEVEL														
	African-American	American Indian or Nat. Alaskan	Asian or Pacific Islander	Hispanic	Multi-racial	White	Non-disabled Students	Students with Disabilities	Migrant	Non-Econ. Disadvtd	Econ. Disadvtd	Limited English Proficient	Female	Male
3rd GRADE ACHIEVEMENT														
Reading	90.9	--	NC	--	NC	88.3	98.5	41.7	--	92.5	76.9	NC	96.8	85.7
Mathematics	81.8	--	NC	--	NC	93.3	97.1	66.7	--	95.5	76.9	NC	96.8	89.8
4th GRADE ACHIEVEMENT														
Reading	81.8	NC	NC	--	NC	91.8	96.5	66.7	--	90.0	95.8	NC	89.6	92.9
Mathematics	72.7	NC	NC	--	NC	90.6	95.3	55.6	--	87.5	91.7	NC	89.6	87.5
Writing	72.7	NC	NC	--	NC	92.9	93.0	83.3	--	91.2	91.7	NC	91.7	91.1

This pattern of racial difference in the percentage of students performing at proficient levels in the elementary school that serves Copley-Fairlawn students is similar at the districts middle school that Williams-Bolar's daughters attended.

According to Dr. Gloria Ladson-Billings (1994):

...the public schools have yet to demonstrate a sustained effort to provide quality education for African Americans. Despite modest gains in standardized test scores, the performance of African Americans in public schools, even those from relatively high-income stable families, remains behind that of whites from similar homes. (Ladson-Billings, 1994, p.4).

Ultimately, Kelley Williams-Bolar simply wanted her children to attend schools that would afford them a quality education. However, like many African Americans, because of the state of impoverishment, she and her children were faced with a hard pressed decision to remain in the Summit County of Akron Ohio with a lower property value and inadequate school options, or to take advantage of the redistribution of wealth that her father sought to offer her children by attending the schools where he was a home owner, that were significantly more promising.

Racial and class segregation continue to be secondary structures that determine who can properly go to specifically designated schools. Past prejudices towards blacks from whites may have become less frequent or less apparent over time, but the racial tension between blacks and whites is as old as the nation's history and has an ever-present impact. Although the Williams-Bolar girls may not have been intentionally targeted to be removed from the Copley Fairlawn City Schools (CFCS) because of their race, the historic disparity in geographic location of home location and property values of African Americans have placed them at a disadvantage and outside of the right to the CFCS resources. "Institutionalized discrimination in the real estate-

industry...functioned quite effectively to exploit African Americans while reserving resources for whites” (Massey, 2007, p. 59).

Most African American children attend schools with other African American children.

Further, as the whites and middle-income people of color (including African Americans, Latinos, and Asian Americans) fled the cities, they not only abandoned the schools to the children of color but also took with them the resources, by way of the diminishing tax base. (Ladson-Billings, 1994, p.3)

The Role of Property Rights in the “Akron Mom” Case ¹⁰

Gloria Ladson-Billings and William F. Tate IV proclaim that the United States is based not on human rights, but on property rights (Ladson-Billings and Tate, 1995). Pursuant to the 26th article of the Universal Declaration of Human Rights (UDHR), everyone has the full right to education--that education should be directed towards the full development of the human personality, and strengthen respect for human rights and fundamental freedoms. Further in the same article, it is stated “parents have a prior right to choose the kind of education that shall be given to their children.” Because the UDHR has no merit in the government and within the courts of law, nor does the United States’ governing document, the Constitution, guarantee a citizens right to education, education policy makers are not mandated to sustain such obligation. However, if it were a legal responsibility to uphold these said human rights, perhaps educational opportunities would not only be universally available to all people in quantity, but in quality as well. If all parents were indeed granted the right to freely choose the kind of education that their children would receive, naturally most parents, like the “Akron Mom” would choose for their children to be in schools that would provide the most prosperous and promising educational

¹⁰ The author recognizes the convolution of this section and will reexamine it in subsequent works.

experiences. All parents would have the freedom to make the best decisions for their children without the risk of arrest and public humiliation like that endured by Kelley Williams-Bolar. With this being the case, in order to fulfill the mandates of these human rights the demands for a good quality education would have to be met, thus the government would have to take the most extreme measures to see to it that all schools provided the same level of education. Contrarily, because there is not legal mandate that all educational opportunities must be of high quality—simply just available—despite the high demand for a quality education, the supply can be limited and regulated in distribution.

The earliest relationship between African Americans and property. When Ladson-Billings and Tate concluded that the U.S. is based on property rights, rather than human rights they developed this argument through the context of Derrick Bell's work in Critical Legal Scholarship. In 1987, Bell noted that the events leading up to the development of the Constitution established a tension between property rights and human rights (Ladson-Billings & Tate, 1995).

The purpose of the government was to protect the main object of society—property. The slave status of most African Americans resulted in their being objectified as property. A government constructed to protect the rights of property owners lacked the incentive to secure human rights for the African Americans (Ladson Billings and Tate, 1995, p. 17). When African Americans were still seen only as slaves and the property of whites, educating blacks was mostly seen as risk, an afterthought, and in most cases nothing to even be considered. As early as 1779, Thomas Jefferson in his proposed plan for public education in the new democratic nation intended that only those of free status be allowed to attend the schools that were in place to “illuminate, as far as practicable, the minds of the people at large” (Fraser, 2010,

p. 17). These citizens that he sought to educate did not include slaves nor even many free African Americans. Frederick Douglass recalls in his autobiographical *Slave Narrative* that as a slave, his owner urged that:

“...it was unlawful as well as unsafe, to teach a slave to read... A nigger should know nothing but to obey his master—to do as he is told to do. Learning will *spoil* the best nigger in the world...if you teach that nigger [speaking of Douglas] how to read, there would be no keeping him. It would forever unfit him to be a slave.” (Fraser, 2010, p. 105)

The relationship between African Americans and property is multidimensional. Even as holding African Americans as property was abolished in 1865, African Americans were still denied property ownership through the denial of wealth and intellectual accumulation. The common mentality from over 200 years ago as expressed above has continued to manifest in the treatment of African Americans through present day. Although this idea may not be blatantly stated in regards to the education of blacks, statistically, blacks have disproportionally received subpar education and social mobility opportunities, not only because of their race, but because of their access, or lack thereof to wealth and property. Over the years, value of property has continuously functioned to undermine the human and civil rights of individuals. Although the U.S. claims that “all men are created equal”, and shall be afforded access to public goods and services such as home, healthcare, and public education, one’s status of property ownership and level of wealth has great influence on their access to these public goods and services; those who have more wealth, have better access than those who do not (Ladson-Billings & Tate, 1995; Oliver & Shapiro, 2006; Massey, 2007).

The denial of education from the Williams-Bolar family due to the role of property rights. In their article, Gloria Ladson-Billings and William Tate state that “property” is manifested in multiple ways. Some of the way that property is relevant in relation to education, and more specifically the “Akron Mom” case is through the roles of, whiteness as property.

No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and quality of the educational process. Local control, however, may result in the maintenance of a status quo that will preserve superior educational opportunities and facilities for whites at the expense of blacks. (Bell, 1980, pp.526-527)

This regulated distribution is manifested in school funding and resource allotment, enrichment levels of curriculum and instruction, the upkeep of school grounds, and other facets of the overall educational experience. “The quality and quantity of the curriculum varies with the “property values” of the school (Ladson-Billings & Tate, 1995, p. 172). It is this controlled distribution of quality education that has incessantly kept some students privileged to good schools, decent educational exposure, and the accolades that come with such exposure, while it has kept others chronically lacking and disadvantaged. Simply stated by Ladson-Billings and Tate, “those with “better” property are entitled to “better” schools” (Ladson-Billings & Tate, 1995, p. 17). Instead of exceptional education being a human right granted to all, education is often times treated and distributed as a privilege that is only afforded to particular individuals who are deemed worthy. As in the current example of the “Akron Mom”, the schools that provide educational services to a majority of white students, few African Americans, and virtually no economically disadvantaged students.

In ways so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset—one that whites sought to protect and those who passed sought to attain, by fraud if necessary.

Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed and legitimated, and protected by the law. (Harris, 1995, p. 272)

According to Davis M.P. Freund (2007), many whites have historically viewed public schools as a white domain. For a school district to single out two students, neither of whom have been reported as poor performing or of disruptive behavior, spend approximately \$6,000 to perform a private investigation to determine their residency, and bear the burden of court costs, seems to be an act of personal interest. Just like the legally segregated schools that were designated for black and white students, whites who did not want to integrate the school system did not want black students in “their” schools or sitting next to their children in classrooms. “Whiteness is constructed in this society as the contaminating influence of “blackness” (Ladson-Billings & Tate, 1995, p. 176). Although laws were created to ban such school practices, the segregationist mentality or desires did not dissipate simply because the illegalization of the practices did. “Many laws parceled out differential treatment based on racial categories: blacks were not permitted to travel without permits, to own property...nor were they to be educated ” (Harris, 1995, p. 278).

Cheryl Harris describes that education has been historically treated as a protected property interest of whites

...[P]roperty is a legal construct by which selected private interests are protected and upheld. In creating property “rights,” the law draws boundaries and enforces or reorders existing regimes of power. The inequalities that are produced and reproduced are not

givens or inevitabilities; rather, they are conscious selections regarding the structuring of social relations. (Harris, 1995, p. 280)

Although the Copley-Fairlawn superintendent has denied that the daughters of the Kelley Williams-Bolar were targeted because of their race, there must be a distinct reason that prompted the investigation of the children and their mother. According to Salem News, the district was “suspicion of her illegal behavior” and immediately took action in investigation. Because there is no statement on what prompted school officials to be suspicious of these two girls, other than the denial that it is was because they were black brings to question what indeed was the suspicious behavior that was so alarming. In Neil Gotanda’s “A Critique of Our Constitution of Color-blind” (1991), he argues that:

The Supreme Court’s use of formal-race unconnectedness is consistent with their view that the particular manifestations of racial subordination—substandard housing, education, employment, and income for large portions of the Black community—are better interpreted as isolated phenomena than as aspects of the broader more complex phenomena called race. This disaggregated treatment veils the continuing oppression of institutional racism. (Gotanda, 1991, p.45).

Cheryl Harris describes access and agency for quality education as an “absolute right to exclude”; this is the “exclusive right of use, disposition and possession, with possession embracing the absolute right to exclude (Harris, 1995, p.283). For whiteness as an identity this notion was a central principle (Harris, 1995). Expounding on Harris’ work, Gloria Ladson-Billings and William Tate IV say that “[w]hiteness is constructed in this society as the absence of the “contaminating” influence of blackness” (Ladson-Billings & Tate, 1995, p. 176).

Based on the statements, or the lack there of, of what prompted the investigation leaves

the option of assuming that race did indeed serve as deciding factor that the Williams–Bolar daughters did not belong in the Copley-Fairlawn schools. Perhaps these two black students were seen as imposing on the property of education that did not belong to them—but belonged to white students and those other non-white students who were privileged to live within the school zone. “White identity conferred tangible and economically valuable benefits, and it was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof” (Harris, 1995, 280).

As stated in a previously quoted Harris statement, “...those who passed sought to attain [the privileges and benefits of being white], by fraud if necessary. Although Kelley Williams-Bolar was not a black woman who was “passing as white” (what Harris means by “passing” in her article), William-Bolar could be considered to have been “passing” as a member of another neighborhood and affiliate of a higher social and economic status. Williams-Bolar was aware that by her daughters attending the “better schools” within the Copley-Fairlawn district as opposed to those neighborhood schools near her Hartford Avenue address, not only would they receive a better education, they would also be in a safer environment. Edward Williams, the girls’ 64 year old grandfather of Copley, says he chose to let his grandchildren live with him because he was concerned about them being alone at their mother’s house in Akron—there had been twelve police reports of their home being broken into (Fox 8 News on Cleveland, 2011). Contrarily, those who support Williams-Bolar’s dual residency may argue that she was not “passing” because she testified that the girls had two primary addresses. Furthermore, if the grandfather of the children was also a primary caretaker of the girls, and he lived in and paid taxes in the Copley-Fairlawn Township, it bring to question whether his right to use and enjoy the benefits of his property taxes were fully being respected.

Reputation as status property. Gloria Ladson-Billings and William Tate IV recognize reputation as a status property. They assert that when one's reputation is damaged, in a sense that person's personal property is too damaged. In this case *State of Ohio v Kelley Williams-Bolar*. , Ms. Williams-Bolar's reputation has been forever tainted. Not only has the national publicity of the situation and case made her known as the "mom who has been arrested for trying to send her children to school", furthermore the charges that have been brought against her have now put 2 2 felonies on her legal record. As noted in the media, Kelley Williams-Bolar was a teaching assistant in the Akron City School District and at the time that the charges were brought against her, she was nearly finished with her program of teacher certification. In the state of Ohio individuals with felonies are likely to be denied to serve as teachers or educators (Karoli, 2011). This punishment will forever have an effect on her social life, as well as her ability to not only teach, but also find sufficient employment opportunities to support her self and her children. This could potentially lead to a revolving cycle of inadequate financial support for her family, because these felonies on her legal record will determine what type of employment she is entitled.

In the social media blogs that have featured this case, such as the one by Karoli, many people of the general public have given their personal opinions on the situation, the "crime", the punishment, and their personal feelings towards the Akron Mom. Many people have even criticized the Akron Mom as being a bad mother, and making comments that imply that if she wanted to send her students to a better school, she should have worked harder to be able to either move them to the neighborhood, or pay for private education. Many of these comments came from other African Americans-- African Americans who have "successfully" navigated the social, racial, and financial hardships of life. Those African Americans, who have perhaps gained social and financial status and agency, and thus feel a sense of entitlement. Those individuals

critical of the Akron Mom's decision that was made simply to give her children the opportunity to receive a better education seem to ignore the true intention of this mother. She was in no way trying to steal education, but merely making a decision to give her daughters a better chance at educational prosperity, and life. "The persistence of racial segregation makes it difficult for aspiring black families to escape the concerted poverty of the ghetto and puts them at a distinct disadvantage in the larger competition for education, jobs, wealth, and power" (Massey & Denton, 1993, p. 150).

Chapter V

Conclusion

The harshness of the legal punishment and the social ramifications that Kelley Williams-Bolar, her daughters, and her father will forever be affected by as a result of her attempting to provide her children with a better education speak directly to the social and educational inequalities that are still present today. This paper by no means offers justification for breaking the law, but it does make an attempt to highlight that there is still a huge resource disparity within the educational institution, and that laws have been put in place that perpetuate such discrepancies. Although public schools provide everyone with the opportunity to receive an education, this case brings light that the quality of education that one is destined to benefit from is indirectly determined by race, social class, and socioeconomic status. In a 2011 rally held on behalf of Kelley Williams-Bolar, Reverend Al Sharpton proclaims, “we cannot have one nation that goes by zip-code. Either you have one-nation, or you don’t have one nation.” In this statement Reverend Sharpton refers to the “one nation” that Americans pay homage to in the Pledge of Allegiance. This reference denotes that our country proclaims to be a unit where all men and women are created equally, yet given socially constructed systems that are created based on differences of race and wealth, we have become a nation divided, and thus are not “one nation”.

Despite the fact that America has made stride towards equality, and the common opinion is that society has reached a point where all are treated equally and have equal access to the “American Dream”, the practices and regulations of public schools and school districts give proof that the quality of education that one receives is determined by race, property ownership, wealth, and agency. The case of the Akron mom is not an isolated issue, but only one example

that speaks to the urgency of the United States' public education system's need to change. Further, it highlights the problem of the fact that men and women are not free beings that merely navigate a world full of contradictions and unparalleled levels of power and privilege (McLaren, 1989). Even with the efforts that many states have put into school desegregation, the differences in school funding, resources, and per pupil expenditures still leave many students disadvantaged. School inequity can be better understood by examining the roles of race and property because many of the historical racist practices of society have molded the education system into what it is today. Although Kelley Williams-Bolar, attorney David Singleton of the Ohio Justice and Policy Center, and her advocate Reverend Al Sharpton do not claim that Ms. Williams-Bolar was targeted on the grounds of race-based assumptions and discrimination, however, the historical and sociological barriers that have impeded the progress of African American's educational progress makes race a factor in this issues—even when unidentified.

Most whites do not see the need for bold, proactive policies because they do not see that our society continues systematically to deny a fair chance at housing, education, and employment. Yet if whites could not understand this thirty years ago, they have even more difficulty understanding it today. As a result, the current separate and unequal societies continue to reproduce themselves, and the greatest of all American dilemmas lives on (Wells & Crain, 1997, p. 7).

In the above quote, Wells and Crain project the blindness toward the need of more inclusive and considering school policies as a plight of the white race. However, while school inequity has historically been crafted by white individuals and in the interest of white citizens, the issue of fair opportunity for blacks and the economically disadvantaged must be addressed by all citizens, regardless of ones race. The power to change the state of our nations schools lies in the interests,

responsibility, and duty of all citizens. Not everyone may have the means to contribute to this effort in the same capacity, yet everyone should have right and opportunity to do what they can make a difference. Although to some Kelley Williams Bolar's decision to use her father's address to send her children to better schools was in ill judgment, she at least took the first step in bettering the futures of her children—she recognized the inadequacy of the post-Brown school systems, and sought to fulfill her parental obligation to provide her children with the best possible educational experiences.

CHAPTER VI

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