

# FORUM

## The shameful legacy of the special legislative session



**Chris Fitzsimon**  
Guest Columnist

moment in what has to be one of the most offensive special legislative sessions in North Carolina history came in the House on an amendment proposed by Rep. Grier Martin that would have broadened the state's nondiscrimination law to include military status, sexual orientation and gender identity.

Martin's proposal came after bill sponsor Rep. Dan Bishop boasted that the legislation, unveiled minutes before it was debated in a House committee, would establish a statewide nondiscrimination law that protects people in employment and public accommodations based on their race, religion, color, national origin, age, biological sex or disability.

Biological sex was added to make sure transgender people were not protected.

The ordinance passed by the Charlotte City Council also included protections based on sexual orientation and gender identity, in addition to the bathroom provision that was the subject of some of the worst demagoguery and fear-mongering to ever come out of the Legislative Building—and that's quite a high bar to clear.

Bishop's bill voids Charlotte's protection of LGBT people from discrimination and prohibits any other local governments from protecting them either. That didn't deter Bishop from repeatedly bellowing about what he called the historic

The defining moment of the absurd special legislative session held this week in Raleigh had nothing to do with the common sense decision by the Charlotte City Council to allow transgender people to use the public restroom that corresponds to their sexual identity - the way many other local governments and private companies do.

And it had nothing to do with the anti-worker provisions of the secretly crafted legislation that forbids cities from requiring companies that contract with local governments to pay decent wages - as damaging as those provisions are to workers and the economy.

And it wasn't even about a provision debated on the House floor that takes away the right of workers who are fired simply because they are African-American or Jewish or female to sue under state law - as shocking as that provision is, joining North Carolina with Mississippi as the only places where workers cannot sue in state court for being fired for their race, religion, color, national origin, age, sex or disability.



Photo by WUNC

statewide nondiscrimination standard the legislation established.

Martin's amendment, the defining moment of the day, simply tried to broaden the basic protections to LGBT people across the state.

It is easy to describe the debate that followed. There wasn't any. Rep. Paul Stam moved to table the proposal and the House voted 72-35 to kill the amendment.

That's what the legislative record shows.

But what the vote means is that the majority of the state House affirmatively decided that it is okay for companies to fire peo-

ple who are gay simply because they are gay - in Charlotte and everywhere else in North Carolina.

They voted to allow hotels to refuse rooms to same-sex couples and let taxis refuse rides to transgender men and women. The majority of the House voted to give restaurants permission to refuse to serve a gay man and allow theaters to refuse to seat him based on his sexual orientation.

The legislation adopted by the General Assembly this week included this clause about public accommodations.

"It is the public policy

of this State to protect and safeguard the right and opportunity of all individuals within the State to enjoy fully and equally the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodation free of discrimination ..."

There is a similarly flowery paragraph about employment protections.

But it is not true. Not for all individuals, not for members of the LGBT community. They can still be openly discriminated against. The state House had a chance to change that Wednesday in a simple up or down vote.

They had a clear choice, equal rights or discrimination. And they chose discrimination.

That is the undeniable legacy of the 2016 special session of the General Assembly.

*Chris Fitzsimon, founder and executive director of N.C. Policy Watch, writes the daily Fitzsimon File, delivers a radio commentary broadcast on WRAL-FM and hosts "News and Views," a weekly radio news magazine that airs on multiple stations across North Carolina. Contact him at [chris@ncpolicywatch.com](mailto:chris@ncpolicywatch.com).*

## Black students significantly more likely to face suspension in North Carolina



**Billy Ball**  
Guest Columnist

N.C. Rep. Garland Pierce, a Democrat from Scotland County and the chairman of the state's Legislative Black Caucus, insists he's not overstating the crisis for black students in North Carolina today.

Not after a recent report from the N.C. Department of Public Instruction (DPI), that showed—once again—staggeringly high suspension rates for North Carolina's black students.

The report showed that black students in North Carolina continued to be significantly more likely to receive short-term and long-term suspensions than their white peers in 2014-2015.

State policies allow for administrators to employ in-school or short-term suspensions, which allow for out-of-school suspension of one to 10 days. More serious offenses could be punished with long-term, out-of-school suspension from 11 days to the remainder of the school year.

The rate of short-term suspensions, about three for every 10 black students in North Carolina, more than tripled that for white students. And for long-term suspensions, the rate—about 153 per every 100,000 black students—more than quadrupled the rate for white students, according to DPI data.

State data does not break down suspension fig-

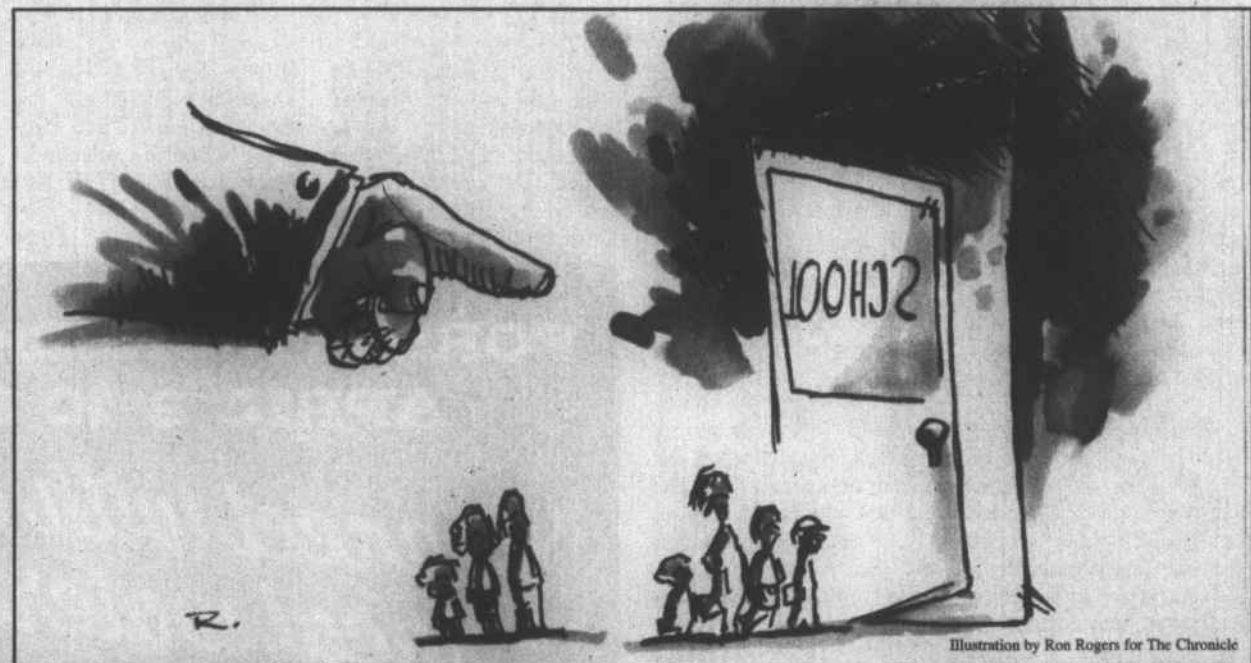


Illustration by Ron Rogers for The Chronicle

ures to show whether students are being treated equally across race lines for the same offenses, but some school critics have suggested black students are sometimes suspended for offenses that would prompt reprimands for their peers.

Indeed, last week, N.C. Superintendent of Public Instruction June Atkinson told state board members that she believed cultural differences sometimes can play a key role in school suspensions.

"What may be disrespectful in one culture may not be disrespectful in another," said Atkinson, adding that increased professional development for school staff could assuage the problem.

According to Atkinson, the problem requires a range of reforms, as well as community buy-in. Atkinson pointed out controlled substances and weapons were the top two

reasons for suspensions last year.

"So suspensions are not only challenges for our schools, but they are challenges for our communities," she said.

While the state chapter of the NAACP did not respond to interview requests for this story, Rep. Pierce said the Legislative Black Caucus, a network of state lawmakers of African-American and Native American descent, is planning a tour of counties with the best and worst numbers in the suspension data following the primaries.

Pierce said the goal is to learn what some counties are doing right and, more importantly, what they're doing wrong.

While Pierce wasn't willing to blame racism for the disparity—arguing, like Atkinson, that cultural differences could be a large factor—other leaders were not so optimistic.

Rep. Ed Hanes Jr., a

Democrat from Forsyth County who serves as vice chairman of the House Education Committee, lashed out at state education leaders in an email to Policy Watch, arguing that the suspension gap is pushing black students out of public schools and into charter schools and private schools.

"I mean, for the life of me, I can't fathom why more and more black parents are looking for an exit from public schools that both Democrat and Republican mostly white legislators have allowed to chew up black kids," Hanes wrote.

Hanes' district includes the Winston-Salem/Forsyth County Schools district, the fourth-largest in the state. According to DPI data, suspensions among black students nearly quadrupled the number among white students in 2014-2015, despite the fact that black students make up

less than 30 percent of total enrollment.

Hanes was among a handful of Democrats who rankled some liberals in 2013 when they backed the GOP - L A U N C H E D Opportunity Scholarship Program, a controversial program of public vouchers that helps pay for low-income children to attend private schools, most of them with religious backgrounds.

And with research indicating a correlation between suspensions and drop-outs, Hanes went on to argue that the state's disciplinary practices may be dealing long-term damage to North Carolina's black residents.

State education officials may soon have an answer for that complaint. Ken Gattis, a DPI researcher, tells Policy Watch that a committee at the department has been brainstorming possible solutions for the issue for

more than a year.

By next month, Gattis said he hopes to have a program online that will allow system superintendents and school principals to access disaggregated figures before making disciplinary decisions. It's unclear, according to Gattis, whether that information would be deemed public record.

Atkinson said it's a multi-pronged system of reforms, as well as data analysis, that will pay dividends, adding that she will advocate for greater leverage for administrators to make judgment calls on suspensions, rather than imposing certain "zero-tolerance" rules.

*Billy Ball, Education Reporter, joined N.C. Policy Watch in January 2016. He covers public education at the N.C. General Assembly and the State Board of Education. Before joining the project, Billy was a staff writer and investigative reporter for the Independent Weekly for more than three years, covering education, the environment, politics and the criminal justice system. Before that, Billy served as a general assignment reporter for the Sanford Herald and the Monroe Enquirer-Journal. Contact him at [billy@ncpolicywatch.com](mailto:billy@ncpolicywatch.com) or 919-861-1460*

Article printed from NC Policy Watch: <http://www.ncpolicywatch.com>

Copyright © 2015 NC Policy Watch. All rights reserved.