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Educate! the weekly newsletter of
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SEARCH FOR UNDERSTANDING: WHY SCHOOL BOARD CANCELLED CHOICE PLAN

By Araminta S. Johnston

A friend called me Saturday morning to ask if all the members of the Charlotte-Mecklenburg school board had survived Friday's marathon meeting.

The meeting was in response to Thursday's decision by a Fourth Circuit Court of Appeals panel. That decision threw out key portions of District Judge Bob Potter's 1999 ruling that the Charlotte-Mecklenburg school system is unitary -- that is, it has eliminated the vestiges of a segregated school system.

The appeals court judges said in no uncertain terms that many of those vestiges of segregation had not been eliminated.

The judges' decision, however, left the school board with the responsibility to decide in less than 48 hours how the school system will proceed with student assignment for the 2001-2002 school year.

"Nobody killed anybody?" my friend asked. I assured him that there had been no lives lost at the Friday meeting, but I told him too, "It sure wasn't pretty."

After spending several hours Thursday afternoon in executive session with their lawyers, the board convened again Friday afternoon at 2:30 p.m. for an additional two hours in closed session. And when they finally returned to public session Friday, they spent an additional four hours in public debate before finally managing to cobble together a majority that could agree, given the court's decision, on how to deal with school assignment for the next school year.

Considering the potential complications the board faced, their decision was an excellent one: stick with the current school assignment plan until it's clear what the courts will finally say about school assignment in CMS.

As some board members pointed out Friday night, when School Superintendent Eric Smith proposed a neighborhood school assignment plan a year ago and asked the community to comment on it, many of the thousands of parents who responded protested being moved from their current schools.

Change is almost always difficult, and thousands of parents said they were quite happy with where their children were, thank you very much.

But why did the school board find itself in another crisis situation in which they were forced to cancel, with only twelve hours' notice, a Showcase of Schools extravaganza planned for Saturday morning at which parents would have the opportunity to check out the schools they thought they might want their children to attend?

If you're looking for someone to blame, don't blame the courts. The appeals court judges simply examined the law and the facts as presented at the district court trial and concluded that Judge Potter was wrong about that same law and facts when he declared that the remains of segregation in CMS have been eliminated.

And for that matter, don't blame Arthur Griffin, Wilhelmenia Rembert, Vilma Leake, George Dunlap, and Louise Woods, who constituted the majority voting to stick with the status quo and to pull the plug for the time being on Smith's choice plan.

Of course better that we should not blame anyone, but we can't help but want to know what happened.

On that matter, our sources tell us one thing that confirmed what we thought we had already observed, and a second thing that really caught us by surprise, but then helped explain another piece of information we'd been given some months ago.

When the board met on June 1, 2000, it directed Superintendent Eric Smith to prepare, in effect, two possible pupil assignment plans.

Two plans were needed, a majority of the board said then, because Potter's decision was under appeal, both by the school board and by black parents suing the school system, and it was difficult to predict how that appeal would turn out.

If the court panel upheld Potter's decision, then the district could go ahead with a choice plan that would also guarantee that children could attend their "neighborhood school."

If this had been the way things had turned out, it was clear that our schools would be significantly more resegregated, both ethnically and socioeconomically, than they already have become in recent years.

But that would have been O.K. in the court's eyes because, as Judge Potter saw it, the school

system had already done what it could to eliminate the impact of years of de jure segregation in the system.

But last June a majority of the board was concerned that if the appeals court rejected Potter's findings and ruled that the school system is not unitary (as in fact it did on Thursday), then the board and the superintendent needed to have another plan in reserve that would not promote more segregated schools.

But contrary to the board's directive in June, Superintendent Eric Smith has insisted for months on pushing ahead with a school choice plan that would guarantee every family that children could attend their "neighborhood school," but which offered no mechanisms for assuring that the school system would move in the direction of becoming unitary.

Several months ago we wondered aloud why Smith had done that and why he and the school system continued to assure the community and the local media that the choice plan was a done deal for the next school year and that the scheme requiring parents to choose their children's school for 2001-2002 was a certainty.

We were told that it was because Smith was convinced that Potter's decision would be upheld by the appeals court.

We were incredulous. Several of us had gone to Richmond last June and heard the arguments the lawyers made and heard the questions that the judges asked.

As everyone warns, it's dangerous to think you can tell on the basis of a judge's questions which way that judge is going to rule, so although we noted that two of the three judges on the panel seemed far more sceptical of the white plaintiffs' case than of the appeal by the school system and black parents, we didn't try to make any predictions about how the panel would rule.

But as we've talked among ourselves since Thursday's ruling, we've agreed that although we had no more way of knowing how the court would rule than anyone else, we certainly weren't surprised by their ruling, and we find it hard to believe that anyone who was at the hearing in Richmond would have been surprised.

Clearly, however, there are people who were surprised. Apparently Eric Smith for one.

But that in turn surprises us, just as we found it hard to believe some weeks ago that Smith thought that the school board had no chance of success with its appeal. We've always been convinced that Smith is a smart man, and we know he was in Richmond because we spoke to him there.

Then when we observed Friday's school board meeting and saw some members of the board, especially Louise Woods, struggling to find a bridge that could bring the two sides of the board together, it seemed to us that the difficulty with reaching compromise was not only the result of the intransigence of supporters of neighborhood schools, but also of the fact that Dr. Smith had created no alternative plan to give the board when the appeals court did indeed rule in the school system's favor.

So when we heard that Dr. Smith's failure to prepare a "second plan" that could go into effect in the circumstances in which the board now found itself was indeed a major stumbling block on Friday night, we decided that we had indeed read the situation aright.

But also when we heard that part of the school board's legal team had been assuring them for

months that they didn't stand a chance with the appeals court panel, we understood how it was possible that an intelligent man like Eric Smith could so confidently go ahead with his neighborhood schools plan. We understood too how only one member of the school board, Arthur Griffin, had two months ago voted against telling Smith to proceed with his choice plan and choice extravaganza. The lawyers had been telling them all for months that a guarantee of neighborhood schools was indeed what was going to be required when the court spoke.

So do we, with Shakespeare, say "First, let's kill all the lawyers"? By no means. The lawyers may yet turn out to be right, and the district may yet be declared unitary and forced by the far more conservative larger appeals court (to which the white plaintiffs have promised to appeal) to drop any attempt to create diversity in our community's schools.

But unlike school board member and lawyer John Lassiter, who with total confidence assured the board Friday night that this is exactly what the full appeals court will do, we're going to stick to the more conservative wisdom that it's difficult to know in advance exactly how a court will rule.

A VIEW FROM ARIZONA

Building our sense of being one community is imperative. Out in Arizona, former Charlottean Charleen Harms watches as the Scottsdale school district considers a plan that will divide the district in two pieces. "One will be for the wealthy, the other for the poor," she writes. The plan has prompted an outpouring of parent objection, as well it might. For decades, Charlotte-Mecklenburg has strived to promote unity on any number of issues: utilities, libraries, roads, sports teams. The notion of community is hard to build. It is easy to lose.

BRIEFING TUESDAY ON EQUITY IN LONG RANGE PLANNING

Last Tuesday's school board meeting, at which long-range building needs were discussed, raised the possibility that serious mistakes are about to be made in planning for our system's future. Unlike the court case, these mistakes can be corrected locally and with your help we want to explore them.

Building plans appear to put in jeopardy last spring's commitment to lower class sizes for ill-prepared children. Growth estimates appear to ignore serious crowding that may occur when large numbers of children are retained in grade this spring after failing end-of-grade tests. The estimates appear to assume that dropout rates will not decline -- that the schools are COUNTING on failing to educate a seriously large number of our children.

About retentions, students at key grades must pass end-of-grade tests this spring to be promoted. If the requirement had been in effect last year, thousands would have been retained. If that actually happens, major crowding will occur at some schools. Principals who've asked about planning for this challenge have been told that the superintendent expects every child to pass. Principals know that won't happen. This appears to be yet another major issue in which contingency planning must be in place.

Please mark your calendars:

-- Tuesday, Dec. 5, at 7 p.m. at the Fellowship's offices at St. Martin's Episcopal, 1510 E. 7th St. Ed Schweitzer, a member of the Long-Range Planning Committee, will report. If you will be able to attend, please RSVP by message.

-- Saturday, Dec. 9 and Monday, Dec. 11, public hearings on the long-range plans are on the calendar and we'd like you to speak.

NEEDED AT DISCOVERY PLACE: FAMILIES TO INTERPRET HOLIDAY TRADITIONS

Discovery Place is pleased to host the Sesame Street traveling exhibit through Jan. 1, 2001. In support of the diversity theme developed through Sesame Street programming, we are planning a special series of programs, "Holidays on Sesame Street," showcasing various family traditions surrounding special holidays.

So many cultures celebrate a holiday (or several) during the December-January time frame, we would like to share them with our visitors as a celebration of diversity. We have confirmed the participation of the Afro-American Cultural Center in a Kwanza presentation. We are seeking interested participants in the Hispanic, Jewish, Muslim, Asian and other communities.

We would particularly like a family with children to share with our visitors how they celebrate a holiday that is special to their family. The focus is on family traditions rather than religious beliefs, but it is not necessary to leave out the religious beliefs providing the "reason for the season."

Public programs may last anywhere from 15 to 45 minutes and should encourage audience involvement. Interested persons should contact Charlene Swilling by Dec. 5 at Discovery Place, 372-6261, ext. 403 or charlenes@discoveryplace.org.

-- Charlene Swilling

STRIKE UP THE BAND! AND MORE!

Let's assume that all the school tours and coffees and information sessions have been cancelled now that the school board has shelved the choice plan until it can be fundamentally revised. NOW the schools can focus on events in which the children are the stars. There are also numerous PTA meetings scheduled in the near term -- a happy coincidence creating opportunities for parents and staff to gather to discuss plans for this year and next.

So please participate in some of these events -- for your entertainment, for your education, and to play your part in coming together to support the school staff, the children and the work they do together.

Given the flux in the schools' situation, it might be prudent to call ahead to the school to confirm these events.

Dec. 4 Monday
7 p.m. Elizabeth Traditional Elementary PTA meeting
7 p.m. Independence High PTA meeting and music

Dec. 5 Tuesday
6 p.m. Steele Creek Elementary PTA meeting
6:45 p.m. Selwyn Elementary PTA winter program
7 p.m. David Cox Road Elementary chorus winter concert
7 p.m. Davidson Elementary winter holiday program and PTA meeting

7 p.m. Hawk Ridge Elementary PTA winter program
 7 p.m. Learning Academy PTA meeting
 7 p.m. Nathaniel Alexander Elementary holiday program PTA meeting

Dec. 7 Thursday

6 p.m. Highland Elementary PTA winter program
 7 p.m. Collinswood Elementary - Spanish Immersion PTA meeting
 7 p.m. Crown Point Elementary PTA meeting
 7 p.m. David Cox Road Elementary PTA meeting
 7 p.m. Crown Point Elementary winter program
 7 p.m. Greenway Park Elementary TA program
 7 p.m. Independence High band concert
 7 p.m. Lansdowne PTA meeting
 7 p.m. Myers Park Traditional Elementary PTA meeting
 7 p.m. Oakdale Elementary holiday program and PTA
 7 p.m. Oakhurst Elementary PTA winter program
 7 p.m. Olde Providence Elementary winter program
 7 p.m. Reid Park Elementary PTA meeting

NEXT WEEK (send additions and corrections to Swannfello@aol.com)

Dec. 11 Monday

7 p.m. Carmel Middle choral concert
 7 p.m. West Meck High Winter concert and PTSA meeting

Dec. 12 Tuesday

8:30 a.m., 9:30 a.m. Pineville Elementary winter program
 6:30 p.m. West Charlotte High PTA Meeting
 6:30 p.m. Spaug Middle holiday concert and PTA
 7 p.m. Carmel Middle band concert
 7 p.m. Coulwood Middle Music concert and PTSA meeting
 7 p.m. Davidson IB Middle band and orchestra concert
 7 p.m. Eastway Middle PTSA meeting

Dec. 14 Thursday

7 p.m. Carmel Middle orchestra concert and information session
 7 p.m. Randolph Middle PTSA meeting

Source: Charlotte-Mecklenburg Schools

Last-minute updates may be posted on www.cms.12.nc.us

QUOTE OF THE WEEK

 "Too long we covered up children not learning. And they couldn't go out there and get good jobs."

-- Gov. Jim Hunt, The Observer, Nov. 30

 We welcome your comments and observations on this newsletter. Send us e-mail addresses for people who

would like to receive it. To write about your school's activities, just do it -- then send the material to us.

THE SWANN FELLOWSHIP

Lucy Bush, president

B.B. DeLaine, vice president

The name:

The Swann Fellowship was named for Darius and Vera Swann, who on behalf of their son James became the lead plaintiffs in Swann vs. Mecklenburg in the 1960s. Darius Swann was the first African American Presbyterian missionary ever assigned outside of Africa. His experiences in India led him to appreciate the value of an integrated society for human development.

The vision:

As people of faith, our vision is that all children in the Charlotte-Mecklenburg School System will have excellent educational opportunities which are both equitable and integrated.

The background:

Formed in 1997 out of several Charlotte religious congregations, the Fellowship focuses on being a witness to the value of diversity as an integral part of children's education, and educating the public on public school issues as they relate to this and allied subjects. The Swann Fellowship is a nonprofit organization exempt under Section 501(c)(3) of the Internal Revenue Code. A copy of the license to solicit charitable contributions may be obtained from the N.C. Department of Human Resources, Solicitation Licensing Branch. Registration does not imply endorsement, approval or recommendation by the state.