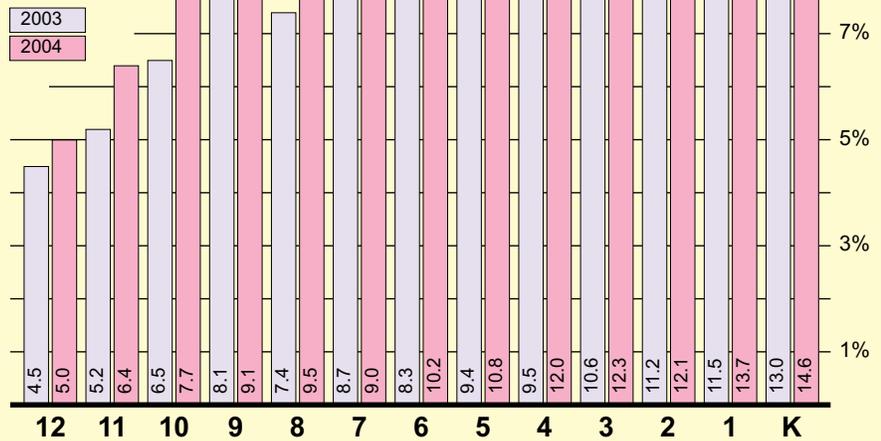


Hispanics in CMS

Immigration and birth rates are changing CMS demographics, and the future has arrived in the earliest grades. Hispanics as a percent of total CMS student body, by grade, 2003 compared with 2004.

Source: CMS 20th-day enrollment reports



Leandro back to court

2 hearings to explore what North Carolina will do to provide a sound, basic education to all

Last summer, North Carolina officials told a judge what they might do to give every child in a few counties a good education.

In Raleigh Thursday, the judge was to haul state officials to the bar to say it's past time to deliver.

And on Oct. 25, all the parties to a 10-year-old lawsuit will return to court to explore how to plan the broader, longer-term solutions that would fulfill the state constitutional mandate that every child, in every district, have access to a sound basic education.

Dozens of states have gone through so-called adequacy lawsuits that challenge insufficient state funding of public schools. North Carolina's case was named after a student named Leandro from Hoke, 110 miles east of Charlotte and one of the state's poorest counties.

The N.C. case reached a milestone July 30 when the N.C. Supreme Court upheld virtually all of Judge Howard Manning's multiple rulings in the case, and reiterated the state's obligation to provide a sound basic education to all children, irrespective of their county's or family's economic circumstance.

The brief urges the court to maintain its oversight, and to

Cox: School board members should put jobs on line over goals in high school challenge

The high school challenge began as a dare: The county would give the schools an additional \$6 million if it launched a plan to vastly improve achievement at low-performing high schools.

Supt. Jim Pughsley's response, a plan adopted by the school board last week, won praise Tuesday night from county commissioners Chairman Tom Cox.

Cox asked commissioners to delay action for two weeks to allow public comment that he said he hoped would build public support for the \$5.8 million program.

The plan's three-year goal is to raise composite end-of-course average on-grade percentages:

from 44% to 90% at Garinger High; from 48% to 90% at West Mecklenburg; from 30% to 75% at West Charlotte.

Cox characterized the goals as "bold." Some might call them foolhardy: As Cox pointed out, top-scoring Providence High scored only 84% last spring.

"I really want to see some evidence during this two-week period that this is the plan that the Board of Education is personally, individually committed to," Cox said. "It can't be just Dr.



Continued on Page 3

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Being 'culturally competent'

Excerpts from "The New Teacher Book: Finding Purpose, Balance, and Hope During Your First Years in the Classroom."

– "If you do not yet speak the languages of the children you work with, start learning. Even if you do not master your student's language, learning a few words and courtesy phrases is a sign of respect and effort on your part. If you already speak your students' languages, congratulations! Continue to work at improving your skills.

– "Learn about the cultures of the children you teach. Listen to your students and show interest in their cultures while being careful not to put students on the spot or assume that they're experts on their cultures. Plan assignments that bring students' cultures, fam-

ilies, languages, and experiences front and center... This is a life-long process.

– "Find ways to communicate with parents in their first language unless they ask you to speak with them in English. For example, find out if an interpreter is needed, and arrange for one ahead of time."

– "The New Teacher Book," published by *Rethinking Schools*, 248 pages, paperback, \$14.95. Info: www.rethinkingschools.org/publication/newteacher/

LETTERS

Education is a right

Public note to Mike Kasper (*Educate*, Oct. 1): Education is a right – not a privilege. It is guaranteed by the North Carolina Constitution. Please read it. Had you been elected, you would have sworn to uphold it.

Fred Marsh

Correction

An article in the Oct. 1 *Educate!* misstated the proportion of principals that the Efficiency and Effectiveness Review Team suggested should be under improvement action plans. While the team said principals would fall into three groups and that the lowest-ranking group should be under action plans, it did not suggest that a third of the district's principals should be in the lowest-ranking group. Peter Sidebottom called to say the business executives did suggest to Supt. Jim Pughsley that the percentage in the lowest-ranking group should probably be in double digits. *Educate!* regrets the error.

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People: Leonard R. (Deacon) Jones, president; Lucy Bush Carter, vice president; Steve Johnston, executive director and *Educate!* editor; Beth Kinny, outreach director. Assisting with this edition: Stephanie Southworth.

DidYaHear?

✓ If everything CMS does is aimed at student achievement, then you judge this one: Is CMS looking to boost its "parent involvement" statistics by folding in for the first time the hours that adults volunteer on athletic booster clubs and suchlike.

✓ As the district's Equity Committee last week was debating which schools to visit for a December report, Supt. Jim Pughsley stopped by and, in a voice weakened by a dry cough, urged them to put their eyes on schools in transition – those dealing for the first time with large populations, or new majorities, of poor or African-American students. Such a school, he said, is "very different for this system, but it is a picture of what's to come."

✓ From deep in the trenches, where flackery is valued as much as skyhooks: "As you know, talk is cheap! We don't prepare for greatness, we practice it!"

✓ "Parent Power" has been put on the shelf until the first of the year or later. Helping Empower Local People, or H.E.L.P., had been preparing for months to launch an organizing effort focused on raising parent involvement both in local schools and at district level. "H.E.L.P. is regrouping," says clergy caucus co-chair Rev. Dick Little. In November, a recommitment service for all congregations is designed to fire up congregational reviews of issues important to members. Parent Power should re-emerge after those reviews. The lay side of H.E.L.P. has been strong, Little said; regrouping was to address a breakdown in communication among pastors.

– *Send intelligence to swannfello@aol.com*

New board challenge

Continued from Page 1

Pughsley's plan. It can't be the senior staff's plan. I'm looking for some personal commitment from the Board of Education that says, this is something that we personally are committed to.

"I don't want to try to prescribe how that should come to us. I don't even know what I'm looking for. A real depth of commitment would be to say, look, if we don't make those targets, I'm not going to run for re-election...."

"There may be other forms of commitment that would be equally as effective in delivering the message that this is something that the entire school apparatus is committed to, and that if any one of us leaves along the way, we still have a plan in place that all of us are committed to...."

Pughsley said he could only respond that the board had approved the plan, and that by presenting it "the administration is committed to it."

"Well, I'm going to read something into that," Cox replied, "and I would appreciate it if they would respond ... individually or collectively...."

"I would like to see them commit to those bold goals, too – and the interim targets along the way.... I'd like to see that specific commitment: We like this plan and we are specifically and individually committed to achieving those 90%, 90% and 75% goals reflected in the early parts of your plan. Those to me are the key."

Perhaps, he said, school board members are "strong on the plan but weak on getting to the goals.... If those goals aren't something they want to make their continued tenure on the Board of Education contingent upon, then back 'em off a little bit. What are you really committed to?"

Cox made clear that his vote to approve the challenge money was not necessarily tied to a response to his new challenge. "If that doesn't come," he told Pughsley, "I'm still behind you."

Is there something in the water?

County Commissioner Bill James objected Tuesday night to a school board decision last week to remove from its policy on educating pregnant students the words, "The Board of Education does not condone early marriage and/or pregnancy among students and their beginning of families at an early age." Addressing Pughsley, James said:

"If CMS is really serious about clamping down on what's causing the underlying root problem, lack of appreciation for education, that it start with an understanding of what immorally is going on regarding teen pregnancy and regarding illegitimate births.

"And to me it sends a bad message – this isn't addressed so much to you as it is to the board – but it sends a very bad message for the CMS school board a week before coming here to be concerned about the education of African-American youth, to have removed from their policy a provision that condemns teen pregnancy that has been in place since, I think, '67.

"Nothing I can do about that, except to point out that I believe that the school board was very wrongheaded to do that, and that in the middle of sending a message that you want to teach these African-American youth to appreciate education, where there is a 69% illegitimate birth rate within the black community, and an 86% illegitimate birth rate among black mothers under the age of 30, to remove condemnation of that sends the wrong message in my opinion."

Chairman Tom Cox pointed out that the high school challenge is a program "for three high schools whose student enrollment is a mixture of races."

Minutes later, when Pughsley coughed and turned from the podium, Cox said, "Dr. Pughsley, would you like another fill-up on that water?"

"I'm pretty good, thank you," Pughsley replied.

"It is water, isn't it?"

"I was thinking a few minutes ago I might need a little bit more than water," the superintendent replied.



Government Channel
James



Government Channel
Pughsley

"The boldness is in the goals.... If you can commit to those targets, and interims along the way, frankly I don't much care how you get there...."

School board Chairperson Joe White declined to respond to Cox's bait. "I may not even be alive then," he said. The board meets next Tuesday.

Cox said he sought to delay a

final vote because he thought a number of people in the community might want to comment on it.

"In the commenting," Cox said, "they sometimes they get on board.... The more people that... say we're behind this, the more of a team we've built in the community to support what you're doing, and to kind of buy into it early I think is positive."

Composite EOC results, spring 2004, percent on grade level

84 Providence	61 East Meck	48 West Meck
73 Butler	59 Northwest	44 Garinger
73 Myers Park	58 Harding	41 Berry
72 South Meck	54 Olympic	39 Waddell
70 North Meck	49 Independence	30 West Charlotte
66 Hopewell	48 Vance	

Wake County goes modular

2 existing schools to host modulars on playing fields

In downtown Charlotte, CMS has an eight-classroom modular building serving Metro School during reconstruction.

Wake County Schools decided this week to connect enough such buildings on two sites to create free-standing temporary schools for its burgeoning population.

And it ordered another 168 mobile classrooms to round out its response to a 5,000-seat deficit projected for August 2005.

The \$34.4 million decision came after heavy lobbying by parents against a less expensive option – involuntary conversion of up to 36 elementaries to year-round calendars, the News & Observer reported. Most parents at the 11 existing year-round elementaries attend voluntarily.

Two elementaries will have 27 mobiles each, the N&O reported.

“To build the modular school, several eight-classroom units would be bolted together, like Lego pieces, to form a complete school,” the N&O said. Other units would become media center and cafeteria space, with a prefab used for a gym. The school would be 60% of normal size.

Wake school officials could not be reached for further comment.

K-8s no panacea for adolescents

Longtime middle school reform advocate Hayes Mizell, in an Oct. 1 keynote address to the National School Board Association’s Council of Urban Boards of Education meeting in San Antonio. The address was titled: “Still Crazy After All These Years: Grade Configuration and the Education of Young Adolescents”:



Mizell

“Having fouled their own nests through neglect and mismanagement of middle schools ... school systems now want to convert to a K-8 grade configuration in the hope that they can achieve better results with less effort.

“Perhaps they can, but it will be by exploiting the strengths of the elementary level: smaller schools, more personalization, and high levels of parent involvement.

“School systems may do little more than reconfigure grades, schools, and attendance zones. There is reason to worry that these school systems may be no more conscientious and vigilant about meeting the unique needs of young adolescents in K-8 schools than they have been about meeting the needs of this age group in 6-8 schools.

“School systems may believe that educating young adolescents in K-8 schools will solve many problems, but school boards and superintendents need to know that the wholesale conversion to a K-8 structure is not a matter of ‘set it and forget it.’

“Under any grade configuration, educating young adolescents well is hard work. Whether young adolescents are in 6-8 or K-8 schools, they need engaging, challenging curricula and high-quality teaching rooted in knowledge of subject content.

“Students in K-8 schools, no less than students in 6-8 schools, will need constant attention and care, as will the schools themselves. Even if school officials are ultimately happier and parents more satisfied, it will not necessarily mean that all young adolescents are developing the knowledge and skills they need to be independent, productive citizens for the remainder of this century.

“There will always be potential for K-8 schools to fall victim to the same lack of leadership oversight and support that eroded the potential of so many 6-8 middle schools.”

– www.middleweb.com/mw/resources/HMgradeconfig.pdf

THE SWANN FELLOWSHIP

THANKS CANDIDATES FOR AT-LARGE SEATS ON THE BOARD OF COUNTY COMMISSIONERS FOR THEIR PARTICIPATION IN A SERIES OF FORUMS WITH VOTERS

- | | | | |
|------|---------------------|------|----------------|
| 9-16 | PARKS HELMS | 9-30 | JACK STRATTON |
| 9-20 | WILHELMENIA REMBERT | 10-4 | RUTH SAMUELSON |
| 9-22 | JENNIFER ROBERTS | 10-5 | DAN RAMIREZ |
| 9-27 | ANDY DULIN | | |

Meet the candidates:**Ruth Samuelson**

From a series of conversations with candidates for Mecklenburg Board of County Commissioners at-large. This Q&A is extracted from comments about public schools and the candidate's plans made during forums sponsored by The Swann Fellowship, the publisher of this journal. Samuelson, a Republican, met voters Monday, Oct. 4.



www.ruthsamuelson.com

Q: Are COPS the right funding tool for building new schools?

A: I am still trying to get all the pieces and the implications together – if we do this, what happens down here; if we do this, what happens down here....

My husband and kids say one of my unique abilities is the ability to correctly lay the burden where it belongs, the burden of responsibility. I'm struggling with this one because I'm not sure that the way these COPs came about, or the financing tool, necessarily fulfills that objective.

If it were up to me, the way I'd structure the way we do debt and bonds and our relationship with the schools [would be] very different than the way we currently do it, and I'm not sure everybody else is ready to do that.

And so I'm trying to find that happy medium between believing we need more schools in the suburbs – we clearly do – while at the same time saying, yeah, but that is going to have to impact operating dollars, and how do you do that?...

And balancing my responsibility and the school board's responsibility. My responsibility versus the citizens' responsibility.

Frankly, I think the citizens are the ones that should hold the school board accountable for where they build and how they spend money. And yet people tend to want the county commission to do that.

Q: Has flat funding from commissioners soured relations with the school board?

A: No. I've seen no difference in the relationship between the school board, the county commission, the public in the four years I've been on the board. I don't think it has anything to do with the quantity of dollars. There's something in the quality of the relationship.

Q: Could the Education Budget Advisory Committee play a role in building relationship and trust between the school board and the commissioners?

A: Under the current structure, I don't think there's a whole lot you can do. In an ideal world – it makes me nervous that you're going to print all this up because this is still stuff I'm noodling on.

When my kids were 13, the older two, we gave them a monthly allowance and said I'm here to help you learn how to spend it, but basically it's your responsibility on how you spend this money. And over a period of time you will become better at making those choices between going to a movie or buying a pair of jeans, or whether you buy your jeans at Abercrombie & Fitch or Goodwill, and that over time, because you know that money will always come, you'll trust me to begin to work with you on deciding how you should spend your money.

In some ways, not to say that the schools are the children and we are the parents, by any stretch of the imagination, but in some ways if we were to say to the schools, we're going to guarantee that every year you get a certain amount of money, and whether it's a percentage of our revenue,

whether it's a certain number of pennies on the tax rate, you're going to get it. And if you save money, we're not going to take it back from you. But it's going to cover both your mortgage and your operating, and we trust you to make good decisions with it.

Under a scenario like that, then I could see EBAC as the group that helps each of us sit down and understand: Where did the money go? What were the results from the money?

And then we can all sit down, because then the schools wouldn't be concerned about our taking the money back, and we wouldn't have to be concerned about them coming and being perceived as twisting the facts or hiding stuff in order to get more, because the amount would be somewhat fixed.

Now, the question becomes: What should that amount be? But what I'd like to do is go to a relationship that says, we trust this elected body to be accountable to the voters for how they spend this money, and that yes, there may be an accounting of what you spent it on, which is where EBAC can help, but that for at least several years we're not going to say, don't spend it here, do spend it there.

Then the question becomes, what if they want more money? And I'm still thinking about that: Would you add a penny on the tax rate? or would you do the percentage, and they get a percentage of whatever increase?

But they would know what their budget is, they'd be accountable for their budget, and when they made decisions between COPs or GO [General Obligation] bonds or operating money that they would have the discipline and the say-so as to how that was to be spent.

Q: Have you told the school board that?

A: I did. This occurred to me last year, around January. I was noodling all this and I thought, boy, I wish we could do it this way. And the reaction was a universal "No, we don't like that."

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Samuelson forum

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Some of the commissioners liked it, some of the commissioners did not. The school board liked parts of it and didn't like parts of it. What happened was the chairman of the county commission decided he wanted to take a different approach, and that was the approach that began to be advocated for...

I think we ought to try it for several years and see how it does. At least it's something we haven't tried before.

Where I'd see EBAC having a great role is as being almost a facilitator, the translator, if you will, that we in EBAC have a role as helping to understand what information the schools have that the county needs, how can we put it in a form that the county understands, and then helping us all sit down and understand the process....

EBAC was a committee that started the last year that Becky [Carney] and Darrel [Williams] were here. There was a large tax increase to fund money for the schools, and sort of in exchange for that was, if we're going to give you this money, we're going to form this committee and they're going to tell us how you're spending it – and it hasn't quite worked out that way.

Q: Is there any hope the two boards can get along?

A: As long as the county has the current system of funding, there will be tension between the school board and the county commission. Now, I don't think all of the tension is necessarily bad. There's a certain amount of working through things that often gets you to a better result.

Were we to use the plan that I liked, whether we do the 50% option or some number of pennies on the tax rate, that it might take awhile to build the trust, even then. But I think it would provide an environment that's more con-

Re: Corruption in government

Ruth Samuelson advocates moving from annual decisions about funding outside agencies, toward a system of having nonprofits seek contracts for services that carry out county objectives. Decisions on the contracts would be made by administrators, not commissioners. She was asked if she worries about a rise in corruption, as agencies curry administrators' favor:

"Every now and then, and that's where we've got this balanced scorecard where we're supposed to be going through and giving them measurable standards and having to check it. That's an issue you have in every contracting situation you have. So we have fraud detection areas and, yeah, you'd have to continue to do that.

"I don't know that there's any less corruption potential by sticking it with nine commissioners.

"We're all people, and people are subject to certain kinds of forces. And I don't know that one group is any less subject to that than the other. It's just different.

"Boy, won't that look interesting in print."

ductive to building mutual respect. That's at the heart of it – mutual respect.

Q: Don't urban and suburban splits account for some of the tension?

A: Even if you took away the tension between the school board and the county commission, you'd still have tension between citizens and the school board, whether it's suburban citizens or urban citizens. That's not going to go away.... There is a part of our democratic process that says we need to hammer these things out and the multiple voices need to be heard. I prefer to do it in an avenue of respect.

Q: Is it reasonable to expect that the school board can be given taxing authority?

A: I don't think there's any likelihood that the state is going to give the school boards taxing authority, because the state likes maintaining control over the school systems, and even though people think the county commission is the primary funder, the state is the primary funder.

The reason the state doesn't give the county the ability to dic-

tate what the schools do with their money is because the state wants to maintain that control and that authority.

So they give us *permission* to give money to the schools for operating. They *require* that we fund capital. I don't think there's much chance at all that the state's going to change that any time soon.

Q: Has the school board engaged commissioners in how they operate, make decisions and discipline their budgeting?

A: There are several members of the school board that I see periodically that I feel free to call and ask questions. Sometimes they'll call and ask questions of me, but they tend to be more lobbying-oriented than strictly relational.

There are other venues where we may cross paths and do the strictly relational piece.

I don't feel I have a very good grasp of exactly how they make decisions, and I would say that I don't think they've every really tried to help me understand. And I didn't ask....

If we changed the funding relationship, I think you'd get more of

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Samuelson forum

Continued from Page 6

that understanding, or that willingness to open up what they're doing.

It's hard when you're in what you call the 'we-they' mentality, you're in a defensive posture. When you're in a defensive posture that doesn't beget a whole lot of openness and trust. If we could change the way we fund them, you might decrease the defensive posture, thereby opening up avenues of trust and understanding.

Q: Why aren't there lobbying events where they explain what they do?

A: There are plenty of lobbying events. It's just not always covered with understanding.

I will get calls from school board members to tell me why something does or doesn't make sense. You need to do X and here's why. And then I might get a call from someone else who says, you don't need to do X and here's why.

Does the rationale always go back to here's how we make decisions as a school board? No. It's simply lobbying – here's why we want it or here's why we don't want it. So when you ask the question about understanding, it's not as full of understanding as it is more fact or interpretation of facts.

And some of it may be because I tend to take the approach that I want the school board to make their decisions and have to stand on them. They may have somewhat correctly realized that I don't want to do their job for them. So whether you give me the facts for or the facts against, that's ultimately your decision to make as a school board and I don't know that I necessarily want to be put in that position....

It's also difficult sometimes to do these conversations when people are, whether it's the media or someone else, recording every word you say. And there is a

process to developing trust. And the process to developing trust can be three steps forward, two steps back. And when the two steps back are the only thing that ever get reported, people don't notice the one step net forward. That makes it hard.

Not that I'm advocating for closed meetings. It's just an acknowledgement that the process sometimes makes it harder for that kind of open communication....

Q: Why doesn't the school board come forward before the budget debate to let the county know its needs?

A: Oh, they do, a little bit. When you figure the beginning of the fiscal year is July 1, usually by some time in January or February we're already getting preliminary information from them. Then it changes a little bit, but we'll have an idea by January or February where they're headed, and then the superintendent will decide what they want to add new.

The chairperson may be a little more in touch with all those permutations, but we all are aware that those things are happening....

This year, even though the county did not raise their operating money – we did raise their capital money but we did not raise their operating money – they still had a net increase that was a higher percentage than the increase in students because the state and federal monies were higher than they expected. So I do chafe a little when people act like the county is the only funding source for the schools.

Interestingly, when you take schools' total budget, and what is left of the county budget, after we fund the schools, their budget is right much larger than ours, right much larger. So by the time we've transferred close to 50% of our revenue to education, our budget I think is half theirs, maybe 60% of theirs.

Federal and state money is

Re: Superintendent

Q: What do you think of Dr. Pughsley's performance?

A: That's not my, it doesn't matter what I think.

Q: It matters to me.

A: Yeah, but not on that tape it doesn't.

Q: Oh. Turn the tape off! Turn the tape off! [click]

restricted and they're told within some parameters what they can do with it. What they like about our money is that our money is unrestricted, which is the way the state leaves it.

But by the same token, we have demands on us from the state and federal governments to do certain things that, to the degree we're giving the money to education, we can't do – like:

- Making sure there are public health nurses in the schools so that kids have their medications and are not in a health crisis that a teacher doesn't know how to handle.

- Making sure the abusive parent has been removed from the home so the child doesn't come to school having had no sleep because they stayed up all night to protect Mom from being beat by Dad.

- That they went to DSS to get the food stamps and whatever else aid they needed and that they were processed quickly enough and efficiently enough that they didn't have to miss school four days in a row to sit with Mom at DSS.

So there's a give-and-take here, and people forget that every dollar that goes to education is a dollar we don't have to address children's needs on the other end.

I'm not saying we shouldn't give money to education. We've just got to recognize that the county

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Calendar

OCTOBER

- 7** Education Budget Advisory Committee, 7:30 a.m., 11th floor conference room, Government Center.
- 9** Parent education event, UNCC Fretwell Building, 10-2. Youth aged 12-18 and their parents welcome. Sponsor: Parents On The Move/Parents In Action. Free. Info: Blanche Penn, 704-890-4101.
- 13** "Lights on Afterschool! Community Breakfast," 7:30 a.m.-9 a.m., Westin Hotel Charlotte, 601 S. College St. Speaker: Deborah Prothrow-Stith on "Risk and Opportunity: Community Strategies for Decreasing Youth Violence." Sponsor: Partners in Out-of-School Time. Cost \$15 for youth and youth program providers; \$25 for individuals, \$100 for table of 10. Info: 704-376-1845 or info@postcarolinas.org
- 14** Candidate forum for youth, 10 a.m.-11:30 a.m., meeting chamber, Government Center, 600 E. 4th St. Sponsor: KidsVoting.
- 21** "Choosing on Faith: A Look at School Choice," noon, Covenant Presbyterian, 1000 E. Morehead St. \$6 includes lunch, no reservation.
- 21** Candidate forum for U.S. Senate, U.S. House, N.C. Senate, county commissioners, 7 p.m., St. Paul Baptist Church, 1401 N. Allen St. Sponsor: H.E.L.P.
- 23** Education Fair, 10 a.m.-3 p.m., Merchandise Mart, free. Public, private, charter and faith-based schools, as well as colleges, technical and trade schools, and adult education programs. Alternative options, such as home schooling, special needs programs, and after-school enrichment programs will also be represented. Sponsor: Bessire & Associates.
- 28** "Your Child or Our Child: Moral Responsibility and Care of 'the Other'," noon, Covenant Presbyterian, 1000 E. Morehead St. \$6. includes lunch, no reservation needed.

NOVEMBER

- 1** Day of the Dead at Myers Park High School. Music, drama, altar displays, writing contest and other

events to mark the Mexican holiday celebrating departed loved ones and the continuity of life. Myers Park High.

- 11** Education Budget Advisory Committee, 7:30 a.m., 11th floor conference room, Government Center.
- 11** "Intro to the Continuum of Care for the Homeless in Charlotte," noon, Covenant Presbyterian, 1000 E. Morehead St. \$6 includes lunch, no reservation needed.
- 12** "Invisible Fences: Municipal Underbounding and Minority Exclusion," the third annual conference of the UNC Center for Civil Rights, Friday Center, Chapel Hill, 8 a.m.-5 p.m. An exploration of how

annexation, zoning and sewer extensions, and environmental regulations are being used in small Southern towns to disenfranchise African-American homeowners, deny them city services and even leave them little alternative but to sell their ancestral lands. Information: UNC School of Law, Van Hecke-Wettach Hall, 100 Ridge Road CB #3380, Chapel Hill, NC 27599-3380 (919) 962-5106.

17 Cheryl Brown Henderson and Linda Brown Thompson to discuss *Brown v. Board*, 7 p.m., Dana Auditorium, Guilford College, Greensboro. The Brown sisters are daughters of the lead plaintiff in the landmark *Brown v. Board* case.

Samuelson forum

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has a big job and education is just one part of it....

Q: What does equity of opportunity mean to you?

A: No child should have to have two lower-quality teachers in a row. In other words, there's no way you can get rid of all of your lower, marginal-quality teachers, but that no child should be in a situation where for two years or more they've had lower-quality teachers. So that means that the teachers who are viewed as higher-quality have got to be spread out among all the schools. So that would be one equity of opportunity.

Another equity of opportunity would be, if there are physical resources that need to be available for a child to compete in today's system, that those should be reasonably well distributed. Which does not mean that I think that every school should have the exact same computer manufactured on the exact same date with the exact same software on it, because not all of them need the same, nor is that even possible.

Equity of facility? There again, it's always a moving target.... But there should be a process of mak-

ing sure that if the student may have less than some schools in one area, then it should be made up for maybe in another area....

Meet the candidates:

Jack Stratton

Stratton, a Libertarian, met voters Thursday, Sept. 30.

Stratton spent the hour explaining that he wants to be a commissioner to get his 10 children back from Department of Social Services protective custody. He said he would use his power as a public official to gain access to DSS files to prove his allegations of a conspiracy to remove children from their parents.

Asked if the schools are part of the conspiracy, Stratton said, "Not knowingly. I don't think they have any knowledge of it whatsoever.

"Unwittingly, I think so... the majority of children who are taken by DSS are taken from public schools....

"If they come to your house, you have Fourth Amendment due process rights. They can't just come to your house without a search warrant, whereas if they take them from school, it's pretty easy."

Court hearing today

Continued from Page 1

adopt a tactic used in about 30 other states of having a blue-ribbon panel cost out what it will take to put reforms in place.

But the brief also challenges the state's decisions thus far.

Where is the research, the brief asks, that supports the June determination by the State Board of Education that providing a sound basic education in Hoke County will cost an additional \$250 per child, rather than \$100 – or \$750?

Why, asks the brief, did the state decide that it would allocate to each participating district \$250 per student enrolled, rather than \$250 per low-performing student? For if such a funding model were to be implemented statewide, “the apparent result will be to funnel large amounts of State assistance to districts that are far wealthier and may have lower percentages of children performing below State EOG standards,” the brief

says. The money may become a “veritable ‘teachers’ recruitment and retention’ fund and/or ‘superintendent’s discretionary fund.’”

And why is the state supporting programs that put districts in bidding wars for teachers – and not immediately investing in the creation of additional qualified teacher applicants?

Groups involved in the Oct. 4 filing were the ACLU Foundation, Advocates for Children’s Services of Legal Aid of North Carolina, Carolina Legal Assistance, the N.C. Justice & Community Development Center, the Rural School & Community Trust and the UNC law school’s Center for Civil Rights.

Below is an edited text of the brief filed Monday. All citations have been removed. Three periods mark locations where text has been omitted. One entire section of the brief dealing with the court’s authority has been summarized in two sentences.

Following legal tradition, the authors of the brief refer to themselves as amici, as in *amici*

Promises to keep

Barbara Bradley, new executive director, North Carolina Child Advocacy Institute, Raleigh:

“When we bring children into the world, we make an unspoken promise. And we need to make sure our promises are kept. All children should have the same benefits.”



Bradley

– www.philanthropyjournal.org

curiae, friends of the court.

The brief is lengthy, but for lay readers of *Educate!* it provides a reliable summary of developments over the last six months in a case that may fundamentally reshape public education in North Carolina.

Readers’ comments are welcome, at swannfello@aol.com or by calling 704-342-4330.

Text of brief filed in ‘sound basic education’ lawsuit

Introduction

... we have three principal objectives. First, we applaud and reinforce the court’s conclusion, reflected in its Notice of Hearing and Order respecting an Oct. 7 hearing, that plaintiff school districts will require new State resources immediately in order to meet their basic Leandro obligations to school children. This continued hearing is a fully justified and long-awaited initiative.

The Leandro complaint was filed in 1994, over a decade ago. The North Carolina Supreme Court first recognized Leandro rights in 1997, seven long years ago. This court’s extensive findings and conclusions came in April of 2002, now two and one-half years ago. The North Carolina Supreme Court has twice spoken, unanimously endorsing both the basic principles of Leandro and, most recently, this court’s finding of serious and continuing Leandro violations. There is presently no reason for further delay. The time has arrived for tangible action.

In confirming this welcome direction, however, we urge the need for careful and continuing judicial oversight. Our review of the recent history of this case underlines how perilous remain the rights of at-risk and other children. We note below the

thoughtful, multi-pronged agenda of eight remedies initially put forward by the State Board of Education (“SBE”) and the Department of Public Instruction (“DPI”) in their June 7, 2004 Supplemental Report. Yet their initial approach has already been distorted by the summer’s political pressures. What has emerged more recently is a narrower remedial response, one that addresses some important Leandro goals while slighting others and commingling previously discrete funding sources.

With that danger in mind, our second objective is to reinforce the court’s conclusion, reflected in its Notice of an Oct. 25 hearing, that full implementation of Leandro will require a comprehensive statewide plan, one thoroughly tested by the adversary process and subject to approval by the court.

There is reason to doubt the State’s capacity, buffeted by winds from the ‘political branches,’ to carry out this planning task fully and faithfully on behalf of North Carolina’s children. However, we do not in this memorandum propose any alternative plan. Instead, we suggest a few basic substantive and procedural elements that must be present in any comprehensive plan.

Our third objective will be to reinforce the court's broad equitable powers to accomplish everything that Leandro requires. The rights of North Carolina children will be vindicated most smoothly if all three branches of State government cooperate closely and without discord, each assuming responsibility for the tasks assigned under the North Carolina Constitution.

Yet if any State partner fails to meet its obligations, this court has not merely the power, but the constitutional duty, to take every step necessary to assure that the Leandro rights guaranteed to all North Carolina children are neither neglected nor trodden under foot....

New hearings to begin

The Court has now [announced] two hearings. The first, scheduled to commence on Thursday, Oct. 7th, is designed to address "some unfinished business (the subject of the July 23, 2004 hearing that was continued)." The unfinished business, the court has made clear, is "the 'present status' of the Defendant's... compliance, acting through its executive and legislative branches, with the prior judgments and order of this Court and particularly, the failure of the legislative branch of government to fund the \$22,000,000 request by the Department of Public Instruction for Disadvantaged Student Supplemental Funding."

The record of the State's effort at remediation already constitutes a mixed history, marked both by important high points and troubling pitfalls. We note that last spring, the State Board of Education and the Department of Public Instruction put forward a solid and balanced initial response to the Leandro needs of Hoke County and similar districts. Yet the political process has since compromised that approach, and the special needs of low-performing children once again appear to be falling by the wayside.

In its June 7, 2004 Report (the eighth in its series of 90-day reports to the court) State Board Chair Howard Lee and former Superintendent Michael Ward provided an accounting of eight strategies developed by its Local Education Agency Assistance Program (hereinafter "LEAAP"), acting pursuant to this court's earlier mandate to work with Hoke County schools. Those strategies comprised eight specific plans, each tailored to the identified needs of the Hoke County system:

- A recruitment annuity to draw teachers to hard-to-staff schools (\$250,000 initially, and \$3.14 million in total);
- Continued administrative training through the Principal's Executive Program for principals and other administrators (\$34,000);
- A lateral entry coordinator to support and retain more lateral entry teachers (\$79,500);
- A Project Achieve director to oversee promising programs to empower and retain teachers, using the Brazeros, Texas model (\$79,500);

- A professional development specialist to assure higher quality, more targeted teacher training to address Hoke County's student needs (\$79,500);
- Financial consultation with Hoke County district leadership to assist them in employing best practices to maximize the use of available resources (\$44,185);
- DPI assistance in the development of a district-wide vision statement built upon the district's extensive and complex improvement plan (\$5,000); and most significantly,
- A variety of supports targeted directly at poor, low-performing students, offering them high-quality, well-designed "personal education plans," including instructional resources, tutoring, and classroom support for Limited English Proficient students, transportation to after-school programs, materials and equipment, etc. (\$223,844,660 statewide).

The last of these eight categories was titled "State Board of Education Expansion Request for Disadvantaged Student Supplemental Funding." In explaining the unique importance of this DSSF, Lee and Ward stated:

Personal Education Plans

"One of our most significant strategies will be providing LEAs [local education agencies] with resources and guidance to implement high quality, well-designed Personal Education Plans (PEPs) for those students who are not identified as special needs learners and who have not yet achieved grade-level proficiency.... High quality PEPs offer significant promise for assuring student proficiency, and meeting the exacting standards of the federal government's No Child Left Behind legislation.... Our expansion request to the General Assembly includes over \$22 million for this purpose. This amount represents 10% of the total \$220 million that would be needed to fully fund this new allotment category."

In other words, as announced in a press release the next day, the State Board's "expansion budget request... to the General Assembly includes \$22 million to implement these Personal Education Plans."

The SBE and DPI leaders went on to inform the court that their LEAAP teams had moved beyond Hoke County in order to offer their assistance to five other school districts. They noted (much as the court had hoped and contemplated in its earlier orders) that the "objective of each LEAAP team is to identify particular areas for improvement in each of those LEAs."

Lee and Ward observed that different school districts might well have different underlying problems; for example, "the Hoke County LEAAP team identified historically high teacher turnover as a significant obstacle to improved student performance," and it therefore "developed strategies designed not only to reduce teacher turnover... but also strategies to improve the effectiveness of the new teachers Hoke County must hire to fill its vacancies...."

Lee and Ward expressed their hope that the basic Hoke County template might have broader application, however, despite these district-specific problems, and that “the LEAAP program can also work in other LEAs that may need a different combination of strategies and assistance.”

The court responded to this letter on June 24, 2004, by expressing its general approval of the LEAAP process and describing as the “brightest spot in your Report” the “SBE/DPI’s new Disadvantaged Students Supplemental Funding category,” which seemed to the court “right on the mark in terms of assisting disadvantaged at-risk students in meeting their goal of obtaining a sound basic education.”

Legislature takes no action

As the court well knows, however, the General Assembly chose to fund neither the \$22 million designated for the DSSF nor any other categories of additional funding sought by the SBE and DPI in 2004 on behalf of Hoke County and other high-needs districts.

After the General Assembly adjourned, the court called a July 22, 2004 hearing to explore this failure. At the outset of the hearing, the State reported that Governor Easley had somehow located \$12 million in the budget that could be applied to meet pressing Leandro needs. The General Assembly itself took no additional steps toward compliance.

Non-certified teachers in classrooms

Following the July 22nd hearing, the court wrote to Robert Spearman, attorney for plaintiffs, asking for further information on Spearman’s oral disclosure during the hearing that some substitute teachers were still serving as full-time teachers in Hoke County and other plaintiff school districts.

On August 20, 2004, Mr. Spearman sent the court a letter reporting that at least 1,452 teachers who lacked continuing licenses were presently teaching students in these five low-wealth school districts, including 33% of all the teachers (133 of 403) currently serving Hoke County.

Moreover, at least 121 of those non-certified teachers in the five districts were “long-term substitutes” whose minimum educational qualifications were no greater than a high school degree. Mr. Spearman explained that “[t]he absence of fully licensed teachers in these low-wealth districts creates severe problems,” noting that “the five plaintiff districts are unable to offer salaries that are competitive with those of high-wealth districts.”

Changes made in August

In the meantime, the State Board of Education held its August, 2004 board meeting on Aug. 4 and 5 in Raleigh. The first listed item on its “action on first reading” agenda was entitled “Allotment Formula Proposal for Disadvantaged Student Supplemental Funding (Late Item).”

The Board was told that the plan therein being

presented for approval was based upon the formula earlier reported to this court, a plan described as “reviewed and strongly endorsed by Judge Manning on June 24, 2004.” The SBE minutes recite that the June 7 plan had been subsequently modified in unspecified ways, “based on additional review/conversation with the Governor’s Office,” and “a special telephone conference with the Board on July 29, 2004.”

The revised plan stated that each of the 11 school districts eligible for a portion of the \$12 million in new funds made available through the intercession of the Governor (a list that includes Hoke County, Halifax County, and Vance County – but not Cumberland County or Robeson County, among the five plaintiff districts) must complete and submit to the State Board an “action plan” and an accompanying budget plan by Sept. 15, 2004. After further approval by the State Board at its October 2004 meeting, all approved funds would apparently be released to the districts.

Most significantly for our purposes, the plan’s revised “menu of recommended strategies” included five major categories: (1) “recruiting and retaining teachers” (including signing bonuses, performance-based bonuses, targeted salary supplements/retention bonuses); (2) “personnel,” (including class size reduction, support for lateral entry teachers, support for special instructional programs, classroom support for Limited English Proficient (LEP) students); (3) “professional development activities” (including best practices training and ‘refining PEPs’); (4) “extending instructional time” (including tutorial services and transportation and other related costs for after-school programs and/or Saturday academies); and (5) “instructional materials, supplies, and equipment.”

This August version therefore revised several key features of the SBE’s earlier June 7 model.

Funding narrowed, PEP optional

First, the Disadvantaged Students Supplemental Fund – originally restricted to funding personal education plans for students not performing at grade level, and only one of several discrete funding sources – had been transformed into the sole fund to address all of the resource needs for these money-strapped districts.

Moreover, the SBE’s strong prior fiscal emphasis on targeting individual school children for PEP assistance in needy districts had become, not an indispensable part of a district’s Leandro duty, but apparently a fielder’s choice for the low-wealth districts (subject to SBE approval).

While no local plans have yet been approved prior to the SBE’s October meeting, one announced account indicates that at least seven of the 11 districts, and perhaps more, propose to devote most of their share of the DSSF funds to salary improvements in order to recruit and retain good teachers...

The State Board, acting pursuant to this new

plan, wrote the court on Aug. 10 to assure that it will utilize “our LEAPP team assigned to HCSS [Hoke County]... to implement a plan for targeting these funds to recruit and retain teachers, reduce class size, or develop and implement effective Personal Education Plans for students who have not demonstrated proficiency on the State tests.”

Yet even this new SBE assurance is limited, on its face, to the Hoke County district, not to all 11 districts, and its striking use of the disjunctive “or” seems to signal that funds for student PEPs have become merely one alternative strategy, rather than a central SBE commitment.

Amici do not wish to be misunderstood: Recruiting and retaining good teachers in Hoke County and other districts is an immediate Leandro need. We agree with the court’s repeated holding that Leandro requires a competent, certified, well-trained teacher in every classroom.

We recognize that the SBE in its June 7 letter concluded that “the Hoke County LEAAP team identified historically high teacher turnover as a significant obstacle to improved student performance” in that particular school district.

Moreover, as the court emphasized in its recent notice of hearings, the presence in the year 2004 of uncertified teachers in any of plaintiffs’ schools “is not just a ‘minor’ problem that the State of North Carolina can ignore or take its own good time to remedy;” instead it is “a constitutional problem” that should be addressed and corrected forthwith.

Single solution unwise

Yet this court has been equally clear that Leandro problems have no single solution. Instead, a variety of important reforms must be undertaken at once to assure not only competent teachers but also well-trained administrators, as well as individualized educational services to at-risk students and other necessary resources.

In short, while assuring a “competent, certified, well-trained teacher” and “a well-trained, competent principal” are two constitutionally indispensable requirements under Leandro and the court’s prior decisions, so is the immediate provision, to every school, of “the resources necessary to support the effective instructional program within that school so that the educational needs of all children, including at-risk children... can be met.” Our examination of these recent alterations to the SBE’s June 7 plan underlines three crucial points.

CHILDREN LOSE: First, enormous political pressures continue to bear upon all educational funding systems, and those pressures understandably tend to drive funds toward the system’s most visible and vocal constituencies. North Carolina’s low-performing school children have never been among those powerful constituencies. Indeed, these children have had few single-minded champions apart from the courts themselves. Hence it is no surprise that the State Board’s original and well-intentioned plan to

create a “disadvantaged students” fund was transmogrified, over the summer of 2004, into a veritable “teachers’ recruitment and retention” fund and/or “superintendent’s discretionary fund.”

OVERSIGHT NEEDED: Second, the inevitable existence of these powerful forces makes this court’s continued supervision absolutely indispensable if Leandro rights are to be fully honored and implemented. Though there are many within North Carolina’s public school system who are well-meaning and far-sighted and who contribute greatly to children’s education, it is the state judiciary alone that has thus far fully understood what Leandro promises to every child and requires of the State.

PLAN ESSENTIAL: Third, meeting the demands of Leandro will require simultaneous attention to a complex set of interrelated needs at different levels – to children themselves, to classrooms, to individual schools, to school districts, to the State as a whole, to its colleges and schools of education, indeed to its pre-school readiness and child health agencies – and therefore, careful and comprehensive planning for remedial implementation is indispensable. Everything cannot be done at once, of course, but a thoughtful series of priorities, one that does not leave at-risk children themselves behind, must go forward at full speed.

For all of these reasons, amici applaud the court’s success in prompting the Governor to find an initial \$12 million to \$22 million installment toward the total that will ultimately be needed to make Leandro meaningful. That is an important step forward.

However, we caution the court not to accept the revised DSSF formula, or the 11 local school district plans already put forward under the August revision of the June 7 plan, as an adequate template for all future State funding. If significant new funds are not directed to individualized services needed to assist the lowest-performing children themselves, Leandro may quickly fall short of its intended goal (as the State Board of Education itself acknowledged in its June 7 Report).

Oct. 25 hearing

The court, observing that “it is time for the DPI and the State Board to outline and present its plans,” has [announced] a second hearing for Oct. 25, 2004, in order “to provide the State of North Carolina the opportunity to present its plan and outline as to how the State of North Carolina, acting through the Executive and Legislative branches, will address the constitutional educational deficiencies and how it plans to remedy them under the guidelines set forth in this case.”

The time for remedial action, amici fully agree, has now arrived. Indeed, the Oct. 7 hearing will, we trust, soon begin to speed initial funds to Hoke County and to other needy school districts. Yet the size, scope, and complexity of the statewide task is vast, and therefore no comprehensive remedial

response can proceed without a wise, well-considered, and balanced statewide plan.

Plan sought since 2001

The court has certainly given the State ample advance notice that such planning will be necessary. It first directed the State to undertake a planning process over three years ago, in its March 26, 2001 interim decision.

The State responded to that order by [announcing] an immediate appeal, although the court quickly clarified that its March 26 decision was an interlocutory order, and therefore non-appealable.

In its fourth and final decision on April 4, 2002, the court directed the State “to keep the Court advised of the remedial actions taken by the State by written report filed with the Court every 90 days, or as otherwise may be directed by the Court.” Since that time, the State has complied with the directive, while simultaneously pursuing a broad (though ultimately unsuccessful) appeal to the North Carolina Supreme Court.

The 90-day reports have prompted the State Board and Department of Public Instruction to engage in some meaningful consideration of their Leandro duties. Indeed, as we noted earlier, the SBE’s June 7 Report included a commendable, multi-pronged response to the immediate needs in Hoke County.

What’s basis for spending plan?

Yet even that SBE approach fell far short of a comprehensive statewide plan. Considered on its own terms, for example, its Disadvantaged Students Supplemental Fund employs a formula based upon a \$250 per child allocation. Yet the State has never submitted evidence to support this base amount, nor are amici aware of any research-based rationale anywhere that would justify the sufficiency of this particular dollar figure (which is crucial, not only to the formula, but to the overall funding goal).

Moreover, if the purpose of the DSSF fund is to assure that children not presently performing at grade level are reached and assisted, it is unclear why the State formula allots \$250 for every child in each district, using the district’s overall ADM figures, rather than allotting \$250 for each low-performing child.

If and when this current DSSF formula is applied, not to the initial cohort of small, fiscally needy, and low-performing districts such as Hoke County, but instead to high-wealth and higher performing districts such as Chapel Hill/Carrboro or Wake County, the apparent result will be to funnel large amounts of State assistance to districts that are far wealthier and may have lower percentages of children performing below State EOG standards....

Address teacher supply issue

More broadly, even the generally admirable remedial design of the June 7 Report omits major fea-

tures that will be central in any comprehensive plan.

For example, North Carolina children are now guaranteed competent, certified, and well-trained teachers as a central holding of Leandro. The DSSF resources presently available will apparently be employed by the 11 selected districts, in great part, to increase teacher signing and retention bonuses to lure teachers from higher paying districts.

Yet a comprehensive plan must surely contain effective measures to increase the overall supply of North Carolina teachers, rather than simply assist some school districts in bidding for next year’s round of graduating teachers.

If North Carolina cannot substantially increase the 3,000 teachers it now produces each year, the hiring race among competing districts to fill an average 9,000 open slots yearly will always be a cruel game of teacher “musical chairs” with lots of loser districts.

In short, any comprehensive plan for North Carolina must consider additional incentives to lure college students into the teaching ranks, as well as other policies that will ease financial and administrative barriers for promising out-of-state and lateral entry teachers....

Address all elements of solution

In sum, the sufficiency of any State plan can only be measured by its amplitude – whether it begins, in some orderly fashion, to address all of the major elements that this court has identified as essential, as well as all of the elements identified by the North Carolina Supreme Court in its 1997 and 2004 decisions.

Reasonable disagreements can arise about the sequencing of particular funding or programmatic initiatives. Yet any partial or disjointed plan that attempts a few positive changes while putting off until later any effort to address other substantive needs is per se inadequate and unreasonable. “Way does lead on to way,” as Robert Frost once observed, and in this crucial Leandro moment, remedial roads will soon diverge. The State’s planning choices will establish a pattern likely to endure for a generation. If the State omits a major substantive goal, that indeed may “make all the difference.”

Beyond its substantive goals, the State’s plan must also have clear, specific, and meaningful tools for accountability. Just as the ABCs of Education now sets reasonable goals for schools and students, so should the State’s plan set concrete goals for bringing additional resources to at-risk students, as well as clear measures to ensure that these goals are being steadily achieved, with consequences for local districts and a designated role for the State in guaranteeing accountability by school officials.

Not every educational idea will work in practice; not every district will respond adequately to a single set of methodologies; and the needs of students may change over time. The court’s admirable use of stu-

dent outcomes as one means of measuring whether the State has met its Leandro duties should likewise be employed as the State carries out its remedial work. The proof will be in the pudding.

Four suggestions

Turning from issues of substance to those of process, amici have four suggestions.

CONTINUE COURT OVERSIGHT: First and foremost, while the initial responsibility for developing policy will lie with the State through its legislative and executive branches, the court must closely supervise every step. This lawsuit has been a ten-year demonstration that the State's Leandro obligations are anything but self-executing. State actors have a variety of politically understandable but constitutionally unacceptable reasons not to pursue Leandro's full promise as their highest priority. While this court should allow the State the initiative in any planning process, it must continue its vigilant oversight of the State's work product.

ORDER 'COSTING-OUT' STUDY: Second, models from other states that have gone down this path may prove helpful in North Carolina. States that are undergoing school adequacy reform have employed a variety of planning processes to assure objectivity and comprehensiveness. Some have created statewide, blue ribbon commissions (which can attract broader participation and buy-in, but can also be slow to complete their work, and which sometimes rely on traditional leaders who have themselves been impediments to necessary change). At least 30 states, many in response to lawsuits similar to Leandro, have developed comprehensive plans (sometimes referred to as "adequacy" or "costing out" studies), using educational experts to consider (1) state or court-ordered educational goals, (2) the educational needs related to those goals, and (3) the preferred methods to achieve those goals. They then proceed to report honestly, without any hidden political calculation, specific proposals in each district (and statewide) to address those educational needs and to calculate the fiscal resources required to implement them. Courts that have ordered "costing out" studies have often found them valuable mechanisms to create consensus around comprehensive plans.

GIVE PLANNERS INDEPENDENCE: Third, the key to any effective planning will be the independence and objectivity of those conducting the analysis and developing the plan. These elements are crucial because education planning and decision making have historically been based on political expediency and compromise, rather than beginning with the educational needs of students, especially at-risk students, who often come from politically powerless family circumstances.

INVITE ALTERNATIVE PLANS: Fourth, and in view of the need for independence and objectivity, the court should welcome a true adversarial testing, not only of the ultimate plan, but of all major elements of

any proposed planning process. Indeed, the greater the sense of transparency and perceived fairness in the framing of relief, the wiser and more widely embraced is likely to be the outcome. In that spirit, amici suggest that the court might well invite the submission of alternative plans from the plaintiffs, education organizations, non-profit groups, or others if the State's initial efforts prove insufficient.

Another approach would be for the court to appoint a special master. The virtue of this approach is that it assures a single-minded assistant who can respond to the directives of a busy court and then pursue all of the challenges of building and overseeing a complex remedy without competing obligations. The court is doubtless familiar with this model.

In conclusion, we repose great confidence in this court's knowledge of the law, of the facts, of the political dynamics, and of what is at stake in implementing Leandro. For those reasons, we urge the court first to require the State to undertake a thoroughgoing remedial plan at once, and then to oversee actively the State's development and implementation of that remedial plan.

Court has the power

(A lengthy section argues that the court has powers to enforce the constitutional right to a sound basic education. Cited precedents begin in 1787. And the court has tools to force action, from court orders and judicially supervised remedial planning processes, to a special master working out details at the court's direction to, ultimately, the rarely used "legislative injunction" that has the same binding effect as law.)

Conclusion

This court has wrestled with the complexities of Leandro for seven years. It has heard the parties' evidence, found that the constitutional rights of thousands of North Carolina children have daily been violated, rendered its judgment, and awaited review by the North Carolina Supreme Court.

That review is now completed. The Supreme Court has now upheld the court's findings and conclusions. The hour has arrived for the court to oversee a comprehensive Leandro remedy. We trust that the State will appreciate its duty to devise a swift and sufficient response to the constitutional deficiencies in North Carolina's public school system. We believe that remedial relief will begin to flow promptly from the Oct. 7 hearing. We hope that the State will unfurl a comprehensive plan at the Oct. 25 hearing that demonstrates its thorough understanding of what must be done.

If the State does not formulate a satisfactory remedial plan, however, this court has unquestionable judicial authority and ample tools to do so itself. The children of North Carolina need and deserve "right and justice" in the near future. We trust the court will assure it.

Not for my child

Nationally, public school teachers are more likely to send their children to private schools, the Washington Times reported. In large urban districts, between 29% and 44% of teachers send their own children to private school.

But in the Charlotte area, the Fordham Institute study said, 7.1% of teachers used private schools, compared with 16.2% of the public.

Nationally, public school teachers told surveyors that private schools are more disciplined and have higher achievement standards than public schools.

www.washingtontimes.com

From the survey, the top and bottom-ranked cities, by percentage-point difference between rate of private school enrollment by public school teachers and all families, by Metropolitan Statistical Area. Example: In Rochester, 37.5% of teachers enroll children in private schools, compared with an all-family rate of 14.6% – a difference of 22.9 points.

22.9	Rochester, N.Y.
21.4	Nashville
18	Hartford area, Conn.
16.8	Cincinnati area, Ohio
16.1	Chicago
14.7	Providence area, R.I.
14.3	Baltimore
12.8	Philadelphia area
10.7	Denver area
10.2	Riverside area, Calif.
4	U.S. total (for cities)
-3.1	Dallas-Fort Worth
-3.4	Indianapolis
-3.4	Seattle area
-3.8	Atlanta
-3.9	St. Louis area
-3.9	Cleveland
-4	Austin, Tex.
-4.4	Birmingham
-4.7	Orlando, Fla.
-8.8	Oklahoma City
-9.1	Charlotte area
-9.5	Louisville area

– Download complete study from www.edexcellence.net/foundation/global/index.cfm

Briefly...

Special ed suit: The State of Washington is being sued by 11 school districts, the Seattle Post-Intelligencer reported. The districts have appealed unsuccessfully to legislators to fund basic educational services, including special education. The lawsuit claims that districts are not receiving the extra funding they need for special education students. The state caps supplements at 13% of total enrollment; Spokane has 400 students more than its quota. Total unreimbursed local funding for special education may be \$100 million annually.

www.seattlepi.com

Faith partners: In an effort to combat the high poverty rates of many of its students, the Philadelphia schools have been asking local churches and synagogues to partner with particular schools. They are asking the churches to volunteer their time tutoring, mentoring, and even disciplining the students.

www.csmonitor.com

Tutoring untested: Although children are allowed to switch schools or have free private tutoring under No Child Left Behind, there has been no state monitoring of the effectiveness of these standards, the Philadelphia

Inquirer reported. The American Institute of Social Justice and ACORN, a community organization, found that Louisiana was the only state monitoring whether tutoring was improving students' test scores.

www.philly.com

Recruiting techniques: Tennessee may need up to 15,000 new teachers in the next five years, the Tennessean reported. Strategies for recruitment include: housing assistance, signing bonuses, retention bonuses for qualified teachers, recruitment of new college graduates and a statewide induction program for new teachers. Other states already implement many of these strategies.

www.tennessean.com

Job preparation: The program's goals are not unique – better preparing students for college and jobs. But the sponsor of this new initiative in Cumberland County Schools might be – the Fayetteville Public Works Commission, that city's provider of electricity, water and sewers. The motive? Finding skilled workers. "We want to make sure that the people coming out of school have the qualifications we want to see," says CEO Steve Blanchard.

www.philanthropyjournal.org

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