

N.C. prepares a modest response to court mandate

At-risk kids in scores of districts won't get help



www.ncga.state.nc.us

An N.C. report circulating this week in response to recent court hearings in the 10-year-old Leandro school funding lawsuit says state officials will prepare a proposal to boost assistance to local school districts for the 2005 legislative term opening Jan. 26.

No budget figures are offered in this preliminary report, which is reprinted beginning on Page 11.

State officials appear to be concentrating on expanding what they are already doing, and focusing not on all at-risk children statewide but on about 16 low-wealth, mostly rural districts already identified for assistance.

The document calls for meetings beginning next week to prepare the legislative package. Some of the meetings include educators from the 10 districts, including CMS, that sued the state over inadequate funding. The document focuses on:

- Expanding Gov. Michael Easley's \$43.1 million More at Four prekindergarten program to 40,000 children from its current enrollment of about 12,000. The state has about 107,000 4-year-olds, about 40,000 of whom are eligible for Medicaid. About

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Hints in ruling of how to get court OK for use of race

A First Circuit Court of Appeals ruling last week that struck down a Massachusetts city's race-based assignment plan offers a guide to how local school boards can pursue what the court agreed is an educational benefit from diverse education.

A city like Lynn, Mass., with a majority-minority school system, should be assuring a "critical mass" of minority and nonminority groups at every school rather than proportional representation, the court advised. In the Lynn lawsuit, the judges said witnesses agreed that "critical mass" meant that no school should be less than 20% minority or less than 20% nonminority.

Half of Charlotte-Mecklenburg's regular schools would be out of compliance under such an assignment plan.

Second, a plan that uses race must have a built-in "commitment to periodic review" so that the use of race is not set up as permanent. "So long as that review is maintained, a race-conscious plan may be somewhat open-ended," the court wrote.

Third, while the city "did seriously consider, and plausibly reject, a number of race-neutral alternatives" when the city established a voluntary desegregation plan 16 years ago, those efforts were constitutionally insufficient because the alternatives were rejected while trying to achieve an unconstitutional "goal of racial balance" – keeping each school

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Parent panels redraw assignment maps

CMS administrators Tuesday appeared to distance themselves from reassignment proposals developed over the last two months by three parent committees in affected attendance areas.

The principal-designated panels held meetings in September and October. Parent buy-in ranged widely, and one panel even redrew lines for an adjoining attendance area not represented on the panel.

A hearing will be held in early November, but administration recommendations may not be public until as late as two days before Thanksgiving.

Attendance lines will change as five new schools open over the next two years. Maps and demographic data on affected attendance areas begin on Page 4.

Contract extended

By a 7-2 vote Tuesday, the CMS school board extended Supt. Jim Pughsley's contract by a year. The reaction from the nationally recognized educator and perennial man of few words: "Mr. Chairman, I might just simply say, thank you. Look forward to another year."



CMS-TV3
Pughsley

Oversized schools hurt struggling kids

Study using N.C. test data says evidence of link strongest at high school level

A study of North Carolina test data shows that students who are behind in their studies fare less well in big schools than their below-grade peers who attend smaller schools.

The evidence was strongest at high school level.

The study, conducted by N.C. Department of Public Instruction evaluation consultant Brad McMillen, was published last week in Education Policy Analysis Archives.

McMillen cautions school boards

that further high school consolidations might occur “at some cost to at-risk student groups.” But he stops short of embracing the break-up of large high schools, saying pending studies of Gates Foundation and other small-school initiatives “should help to inform these issues.”

“According to prior research on school size and its relationship to student achievement and behavior,” McMillen writes in a discussion of the findings, “the majority of studies indicate that smaller is

better... that smaller schools are associated with better behavioral outcomes, higher rates of participation in extracurricular activities, and higher achievement....

“Analyses of North Carolina data, however, show a more complex pattern of results.

“At the elementary and middle school levels... students who were scoring on grade level in reading and mathematics in the baseline year tended to score higher two years later if they attended larger schools, whereas students who were scoring below grade level in the baseline year demonstrated slightly lower performance two years later if they attended larger

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From Readers

Enough of Simmons' name-calling, already

I must take exception to Bob Simmons' tirade about racial issues and CMS (*Educate!*, Oct. 22).

First, in using the term “revisionist historians” and “resegregationists” to describe those he disagrees with is resorting to name calling.

Second, to describe 30 years of busing and expenditures by CMS on desegregation policies controlled by a school board which largely supported those policies, as too short and too little, is an opinion no less or more than the opinions of those he differs with.

This statement however, is a contradiction of what Mr. Simmons wrote earlier, telling us “black families (are) in the more affluent suburban neighborhoods (due to desegregated schools).” Which one is it: did the policy fail or work?

Third, he describes slavery as a 200 year social experiment. I beg to differ. Slavery has existed for thousands of years and continues to exist. Man has and continues to be inhumane to his fellow man and slavery is not the only insti-

tutionalized method of inhumanity. Further, slavery has not just been white over black, but knows no racial barriers. Those in power subject those without. That Western civilization, including the United States, no longer tolerates slavery in its most visible form, is a credit to us all. Meanwhile slavery continues to exist in this world, as it is one of the faults of the human race. This condition is found in all racial groups. It is no different than class discrimination in one respect, reflecting prejudicial opinions about differences in social condition and this continues to occur throughout our society.

Lewis Guignard

Dog-eared editions

Thought we'd let you know that a copy of your newsletter is landing weekly in the Faculty Lounge at Walter G. Byers Elementary in the Greenville neighborhood, where each is getting nicely dog-eared.

Many thanks for your considerable help in keeping us posted on current events revolving around our schools.

Edith and Jim Johnson

Educate! is a journal on public education focusing on Charlotte-Mecklenburg and N.C. Our aim is to supply information useful to you in your role as student, parent or citizen.

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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.

School size

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schools....

“The benefits of size at the high school level, however, appeared to accrue disproportionately (or in some cases entirely) to higher-achieving students, white students, and students whose parents had more education, especially in mathematics....

“Although the nature of the interactions involving school size in the current study differed by grade level and in some cases were small in magnitude, in each case the interaction implied that learning was less equitable in larger schools.

“While [a previous national] study attributed greater achievement disparities in larger schools to the relatively low performance of less-advantaged students in those environments, the current study raises the possibility that these disparities may in some cases be due to the relatively high performance of more-advantaged students in larger schools....

“(T)he observed results may be a function of higher-achieving students in larger schools taking disproportionate advantage of broader and deeper curriculum offerings. The stratification and tracking arrangements that this explanation would suggest may be more easily fostered in larger schools.... The likelihood of this explanation is further bolstered by the fact that the largest effect in the current study was seen in high school mathematics, where stratification and tracking are particularly prevalent.... If so, interventions that attempt to raise the level of rigor and breadth of curricula in smaller schools may be warranted... or perhaps interventions targeted at promoting greater access to accelerated curricula for historically under-represented groups.

“Technology applications that allow higher-level offerings such as Advanced Placement courses to be taken via the Internet in smaller, more remote schools (or for that matter by larger numbers of students in any school) might be beneficial in this respect, as would programs targeted at better identifying and serving gifted and talented students from more diverse backgrounds....

“It is also possible that academically-challenged students perform better in smaller schools because of factors related to the school culture and environment. If so, large schools might... create a small-school atmosphere within a large school.... A recent study... documents a case where this kind of reorganization strategy was applied to a large urban high school and resulted in improved student outcomes. A five-year evaluation of the Bill and Melinda Gates Foundation program which funds the creation of smaller high schools is also currently underway and should help to inform these issues as well....

“The findings reported here, along with those of prior school size-achievement studies, should also lead local boards of education and other policymakers to at least consider whether efforts to consolidate smaller schools into larger ones might be achieving desired efficiencies at some cost to at-risk student groups....

“Given the findings here, along with previous studies indicating that the achievement gap exists prior to children entering the K-12 system... it is unlikely that school size is the primary force behind the well-documented achievement disparities between various student subgroups.”

—
The full text of McMillen's study may be downloaded at <http://epaa.asu.edu/epaa/v12n58/>



and

Healing

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on the future of
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First Circuit speaks

Continued from Page 1

within 10% to 15%, depending on the school level, of the districtwide racial mix.

Finally, the court ruled that the Lynn assignment plan used too “mechanical” a use of race. The city allowed transfers only if a student’s transfer will not worsen racial imbalance either at the sending school or at the receiving school. While there are appeals for hardship or special circumstance, “race generally determines” the outcome.

The court does not directly identify how to create a less “mechanical” use of race. But, writing for a three-judge panel of the court, Rhode Island native and Ronald Reagan nominee Bruce Selya offered this critique of the Lynn assignment plan:

“There is no individualized consideration of a student’s qualifications, no head-to-head comparison of one student to another, and no weight given to a student’s other potential contributions to diversity.”

The Boston-based First Circuit includes Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island. North Carolina cases go on appeal to the Fourth Circuit in Richmond. The First Circuit’s rulings would have no direct impact on rulings elsewhere.

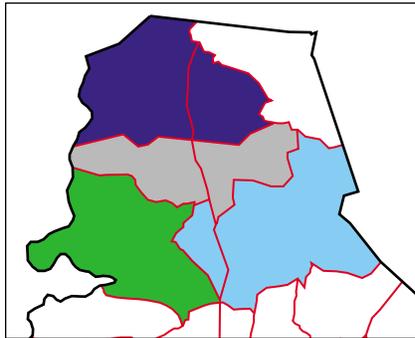
But the Lynn case drew interest nationwide. Attorneys general from Iowa, New York, Maine and Utah were among the “friends of the court” submitting legal arguments.

This is the second appeals court that has dealt with public school voluntary assignment plans since the U.S. Supreme Court last year declared that under some circumstances race could be used to achieve a compelling state interest. That ruling came in the Gratz and Grutter decisions involving Michigan university and law school admissions.

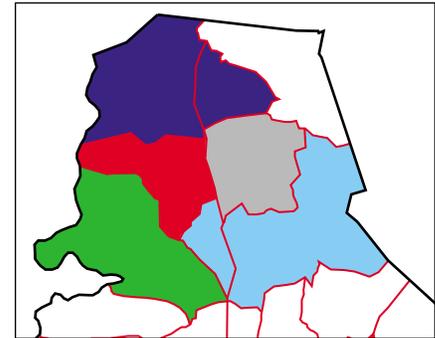
The Ninth Circuit Court of Appeals earlier rejected a Seattle

Parent plan for Ranson Road elementary

Current



Proposed



School	'04 total	'05 total	*Utilization	**Residing in proposed areas, in percent					
				Black	White	Latino	Asian	N.Am.	Multi FRL
■ Ranson Road	929	132	6	85	2	3	0	3	7
■ Huntersville	1171	1115	9	76	9	2	0	2	19
■ Blythe	1430	1545	27	61	6	3	0	3	21
■ Long Creek	719	648	22	70	3	2	1	2	17
■ Cornelius	1299	1203	8	80	6	2	0	3	16
Districtwide				40	43	10	4	0.6	2 44

*Utilization fall 2005, not including mobiles. **Based on fall 2004 enrollment data, and does not include transfers and magnet students who may continue at school.

A new elementary on Ranson Road west of I-77 opens in fall 2005.

A parent committee suggested an attendance area carved mostly from Huntersville west of I-77, along with the northeast corner of Long Creek to the south. Huntersville would take in a portion of the current southeastern Cornelius area, along with a slice from overcrowded Blythe. Assignment chief Susan Agruso said the parents were focused on sharing the overcrowding pain: The plan leaves Ranson Road overcrowded from Day One.

high school assignment plan that used race as a factor.

In the First Circuit’s case, the ruling explicitly acknowledges that the schools have an educational reason – and thus a public purpose – to promote diversity.

What follows is the court’s discussion of “narrow tailoring,” the Supreme Court’s test of when race may be used in pursuit of a public purpose. All citations have been stripped. Ellipses (...) mark spots where, for reasons of space, substantive text has been removed.

D. Narrow Tailoring.

Even when the use of racial distinctions is permissible to advance a compelling governmental interest, the government’s use of such distinctions must be sculpted to fit the permitted pur-

pose. Insisting on a close fit between means and end not only ensures that the use of race is no broader than necessary to achieve the government’s legitimate interests, but also enables courts to flush out those racial classifications that are constitutionally impermissible.

This component of the equal protection analysis is known as the narrow-tailoring requirement. Stated generally, narrow tailoring demands that the proponent show that the chosen plan or practice is (i) necessary to the declared purpose, (ii) proportional to that purpose, (iii) limited in time, and (iv) not productive of a greater than necessary burden on third parties. This is, however, the view from

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50,000 feet – and at that level of generality the formulation is of limited value. With that in mind, the Supreme Court repeatedly has reminded us that the narrow-tailoring inquiry is case-specific; it “must be calibrated to fit the distinct issues raised by the use of race” in a given context. Thus, the factors used to judge whether a particular plan or practice is narrowly tailored will depend, in the first instance, on the nature of the compelling interest that the government seeks to further.

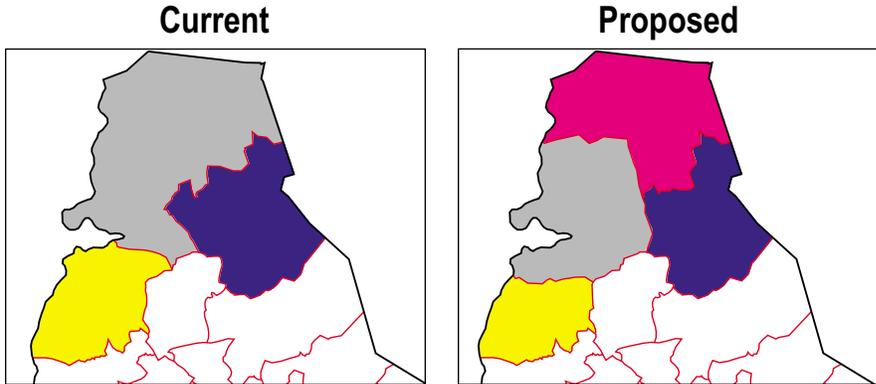
The Court has not yet considered a constitutional attack on a race-based transfer policy for elementary and secondary schools. Nevertheless, the recent opinions in Grutter and Gratz “define the contours of the narrow-tailoring inquiry with respect to race-conscious university admissions programs,” and thus furnish some relevant guideposts for how the narrow-tailoring inquiry should function where the State’s professed interest is achievement of diversity in the K-12 setting.

Gratz involved the University of Michigan’s undergraduate admissions program. The University automatically assigned 20 points – one-fifth of the 100 points needed to guarantee admission – to an applicant from an underrepresented racial or ethnic minority group. This 20-point bonus effectively made race/ethnicity determinative for minimally qualified minority applicants.

Grutter involved law school admissions. The law school took race into account as one of several variables in an individual’s application. The school assigned no mechanical score based on an applicant’s race; instead, it considered race only as one of several possible ways in which an applicant could enrich the diversity of the student body. Moreover, the law school set no quotas for racial or ethnic minorities.

The Supreme Court struck down the plan used in Gratz

Parent plan for Bailey Road middle



School	'04 total	'05 total	*Utilization	**Residing in proposed areas, in percent					
				Black	White	Latino	Asian	N.Am.	Multi FRL
■ Bailey Road	1068	90	15	76	6	2	0	1	19
■ Bradley	1627	1106	21	68	5	3	1	2	18
■ Coulwood	1174	941	55	33	7	3	1	2	55
■ Alexander	1600	1557	49	38	5	5	1	2	29
Districtwide			40	43	10	4	0.6	2	44

*Utilization fall 2005, not including mobiles. **Based on fall 2004 enrollment data, and does not include transfers and magnet students who may continue at school.

A middle school on Bailey Road in Davidson should open in fall 2006, absorbing the IB program now at old Davidson Elementary.

A parent committee suggested carving the new assignment mostly from overcrowded Bradley Middle, with a portion from Alexander. Bradley would add a part of Coulwood’s northern area, effectively raising Coulwood’s subsidized lunch numbers to 55% from 52%.

while upholding the one used in Grutter. In arriving at these decisions, the Court delineated how to calibrate the narrow-tailoring inquiry.

First, a race-conscious admissions program must use race in “a flexible, non-mechanical way” if its plan is to be considered narrowly tailored. The plan cannot institutionalize a quota system or in any way insulate one category of applicants from competition with another solely on account of race. Race can, however, be used as a plus factor in the course of an individualized consideration of each applicant.

Second, the Court chanted a familiar mantra: that government must consider, as a preferred option, workable, race-neutral alternatives that hold out the promise of achieving the com-

pellent interest that prompts a particular plan or practice.

Third, narrow tailoring “requires that a race-conscious admissions program not unduly harm members of any racial group.”

Fourth, the use of racial distinctions must be limited in time. In the university context, “the durational requirement can be met by sunset provisions . . . and periodic reviews to determine whether racial preferences are still necessary.”

If we were to import into this case the Court’s first narrow-tailoring requirement, the Lynn Plan could not survive strict scrutiny. The Lynn Plan explicitly hinges the availability of a transfer on a student’s race. There is no individualized consideration of

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First Circuit speaks

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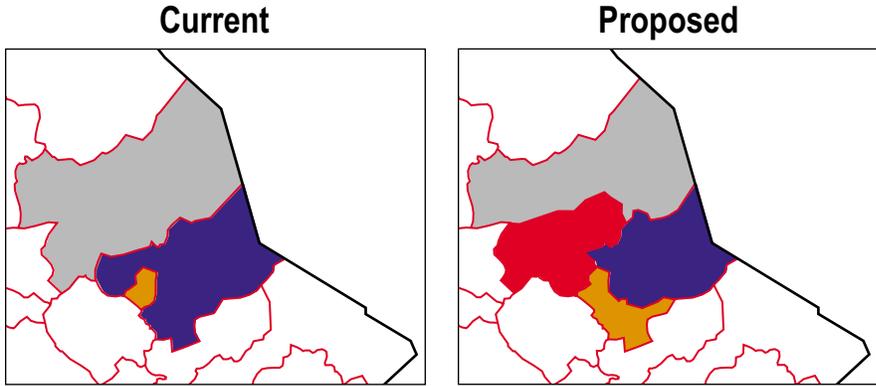
a student's qualifications, no head-to-head comparison of one student to another, and no weight given to a student's other potential contributions to diversity. Apart from an appeals process that allows exceptions only for hardship or other special circumstances, race generally determines the fate of a student's application to transfer to a non-neighborhood school. So viewed, the Lynn Plan is even more mechanical and even less flexible than the collegiate admissions policy that the Gratz Court found wanting.

Still and all, we hesitate to stop at that point because transplanting the first narrow-tailoring requirement root and branch from Grutter and Gratz would ignore the Court's admonition that context matters. It is conceivable that a nuanced comparison between the context of competitive collegiate or graduate school admissions and non-competitive primary or secondary school transfers may show that a mechanical consideration of race in the latter context should not be treated as the shibboleth that it is in the former. We essay that comparison.

In the admissions context, the Supreme Court has catalogued several dangers flowing from the mechanical, inflexible, and exclusive use of race as a determinant. For one thing, such an approach insulates the preferred category of applicants from competition with other applicants. For another thing, such an approach feeds the stereotype that students from the preferred group lack merit, thus raising the specter of stigmatic harm.

These dangers are far less ominous, if not altogether absent, in the K-12 setting. In particular, the transfer provisions of the Lynn Plan do not operate competitively: "X" is granted or denied a transfer on the basis of a set (albeit race-conscious) standard,

Parent plan for Lambeth Drive middle



School	'04 total	'05 total	*Utilization	**Residing in proposed areas, in percent						
				Black	White	Latino	Asian	N.Am.	Multi FRL	
■ Lambeth Drive	1152	95	71	7	18	3	1	1	80	
■ Cochrane	466	653	88	75	9	13	2	0	1	68
■ Martin	1549	1238	110	69	14	9	7	0	2	60
■ Northridge	1172	635	101	65	21	9	4	0	1	55
Districtwide				40	43	10	4	0.6	2	44

*Utilization fall 2005, not including mobiles. **Based on fall 2004 enrollment data, and does not include transfers and magnet students who may continue at school.

A new middle school on Lambeth Drive in Hidden Valley, now used as swing space for Eastway Middle, will open next fall.

A parent committee suggested taking most of the attendance area from Martin Middle, but adding the Briarwood Elementary area now assigned to Northridge. Hickory Grove Elementary parents were not represented, but the group suggested moving Hickory Grove students from Northridge to Cochrane.

not on the basis of how he stacks up when compared to "Y." Thus, the provisions neither skew a competitive process nor substitute race as a proxy for an applicant's merit. It is also arguable that the denial of a transfer does not inhibit the would-be transferee's access to a limited public good. After all, the parties have stipulated that Lynn's schools are academically equivalent, and the Lynn Plan denies no child a scholastically comparable education.

Competitive disadvantage and stigmatic harm are not, however, the only reasons behind the Supreme Court's disdain for quotas and other inflexible uses of race. The Court has recognized that such policies foster the unwarranted presumption that all members of a given racial group

represent the same viewpoint. Regardless of the burden imposed by a racial preference, the simple act of granting benefits based on a quota or mechanical use of race will breed cross-racial tension. Furthermore, when government indulges in the automatic and unflinching use of race in the bestowal of any benefit, that usage counteracts the ultimate goal of relegating racial distinctions to irrelevance. The unbending use of race in the Lynn Plan heightens these dangers.

Although the question is close, we conclude that the distinction between competitive admissions and non-competitive transfer programs is insufficient to justify us in disregarding the Supreme Court's recent guidance. While the Court has emphasized the

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importance of context in framing the narrow-tailoring inquiry, nothing in either Grutter or Gratz indicates a willingness to embrace mechanical, race-based programs in other corners of the educational world. If there is to be a retreat from the Supreme Court's blueprint, the Court itself must light the way.

The outcome here flows naturally from this determination.

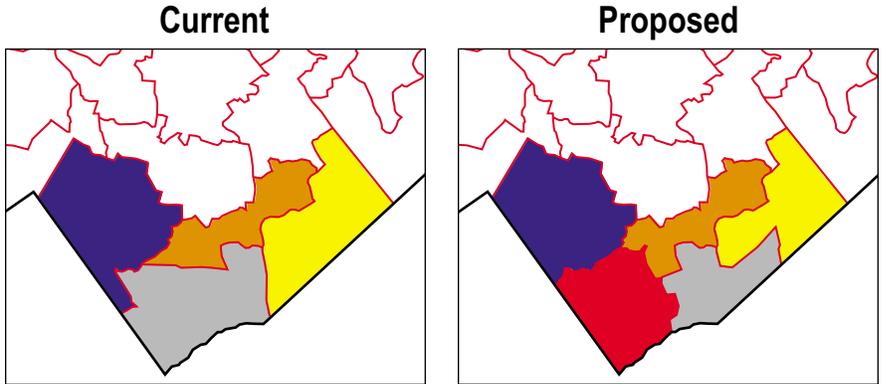
Although the Lynn Plan is not a pure quota system, it uses race mechanically both to deprive some individuals of a desired benefit and to grant the same benefit to others. Because the Lynn Plan makes race decisive and forgoes individualized consideration of transfer applications, it cannot be deemed narrowly tailored to the community's compelling interest in obtaining the educational benefits of diversity.

Although we could end our analysis of the Lynn Plan at this point, we think it wise to point out that the Plan has other narrow-tailoring shortcomings. We briefly discuss these flaws.

Even a flexible use of race will fail narrow tailoring under the Grutter/Gratz test if it "unduly burden[s] individuals who are not members of the favored racial and ethnic groups." Thus, racial classifications cannot be used more often than necessary to satisfy the compelling governmental interest that is at stake. The Lynn Plan cannot pass muster in this respect.

At trial, the defendants' expert testimony was to the effect that intergroup contact between students of different races produces significant educational benefits, and that those benefits only accrue when a critical mass of minority and non-minority students exists in each school. Although these witnesses did not pinpoint any "magic number" sufficient to form a critical mass, they agreed that 20% is the figure most often cited in the relevant

Parent plan for Community House Rd. middle



School	'04 total	'05 *Utili- total	*Utili- zation	**Residing in proposed areas, in percent						
				Black	White	Latino	Asian	N.Am.	Multi	FRL
Community House	940	78		10	70	8	10	0	2	12
Carmel	1114	868	92	16	66	13	4	1	1	25
Crestdale	1137	852	86	8	83	1	6	0	1	11
McClintock	955	886	112	46	33	16	3	1	2	56
Quail Hollow	1207	930	94	34	43	17	3	1	1	52
Robinson	1158	852	79	6	85	2	6	1	1	5
So. Charlotte	1076	841	112	7	82	4	6	0	1	9
Districtwide				40	43	10	4	0.6	2	44

*Utilization fall 2005, not including mobiles. **Based on fall 2004 enrollment data, and does not include transfers and magnet students who may continue at school.

A new middle school on Community House Road in the Hawk Ridge Elementary attendance area opens in fall 2005.

A parent committee suggested assigning all of Hawk Ridge and all of Endhaven to the new school. That would move some South Charlotte middle students to Community House Road, along with the western flank of Robinson Middle. The panel suggested moving into Robinson the eastern portion of McKee Elementary's attendance area from Crestdale, splitting McKee for grades 6-12.

literature.

The plaintiffs argue persuasively that the Lynn Plan is not narrowly tailored to achieve the educational benefits of intergroup contact. The touchstone for gaining the benefits of intergroup contact is the assembly of a critical mass of minority and non-minority students in each school. But the Lynn Plan is calibrated toward proportional representation rather than critical mass; it seeks to maintain within each school a racial mix within 10%-15% of the racial mix of the aggregate student population (depending on the level of school). Thus, because Lynn's overall non-white school-aged population is

58%, an elementary school with a 40% non-white enrollment qualifies as racially isolated even though that school contains a critical mass of both white and non-white students.

The district court's response to this apparent failing is that while critical mass is required for educational benefit, that benefit increases the closer a given school comes to racial balance (that is, to mirroring the racial makeup of the community). This rationale exceeds the bounds of the School Committee's presented theory and, in the end, collapses of its own weight.

The compelling government

First Circuit speaks

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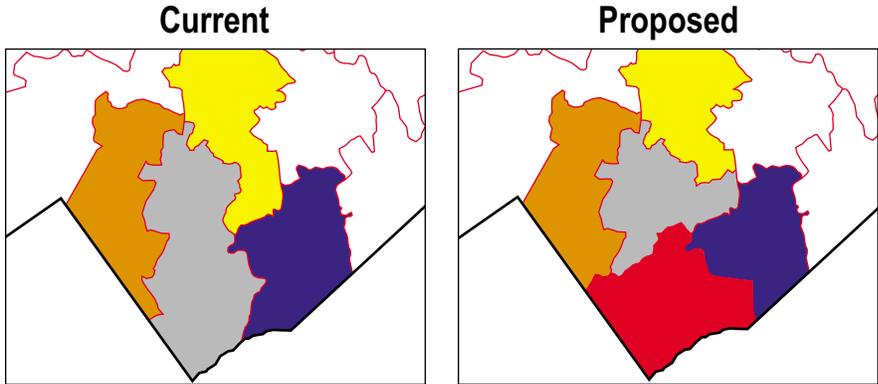
interest that animates the Lynn Plan is the interest in attaining the educational benefits of a level of racial diversity commensurate with critical mass. The use of race-conscious elements must, therefore, be narrowly tailored toward accomplishing that goal – not some other, more grandiose goal. A narrowly tailored plan would attempt to assemble a sufficient number of minority and non-minority students in each school to enable intergroup contact (a number that the defendants and their experts have equated with critical mass). In the same vein, a narrowly tailored plan would deny transfers on racial grounds only when such transfers would tend to jeopardize that number (that is, to jeopardize critical mass).

The Lynn Plan does neither of these things. Consider, for example, that for the 2001-02 school year, two of Lynn’s elementary schools – Aborn (35%) and Hood (42%) – had minority populations substantially above the 20% necessary to achieve critical mass but below the 43% necessary to qualify as racially balanced. A minority student seeking to transfer from either of these institutions to a racially balanced school normally would be turned down, even though that transfer would not deprive either the transferor or transferee school of critical mass. A white student, on the other hand, would be allowed to make the move.

By contrast, Lynn allows all transfers that do not imperil racial balance, even if particular transfers are segregative. For instance, minority students may freely transfer from Lincoln-Thomson (43% minority) to Ford (71% minority), because neither the transferor nor transferee school will be deprived of racial balance (as that term is defined by Lynn).

Using racial restrictions to achieve benefits otherwise absent

Parent plan for Ardrey Kell Road high school



School	'04 total	'05 *Utili- total	*Utili- zation	**Residing in proposed areas, in percent						
				Black	White	Latino	Asian	N.Am.	Multi	FRL
Ardrey Kell	1616	134	134	10	70	8	10	0	1	12
Butler	2188	2015	150	15	77	3	4	0	1	12
East Meck	2141	1889	128	43	40	12	3	0	1	42
Myers Park	2600	1300	66	26	67	4	2	0	0	24
Providence	2443	1819	112	5	86	3	5	0	1	2
South Meck	2247	1464	85	15	66	12	5	0	1	21
Waddell	1070	999	76	49	24	23	3	0	1	53
Districtwide				40	43	10	4	0.6	2	44

*Utilization fall 2005, not including mobiles. **Based on fall 2004 enrollment data, and does not include transfers and magnet students who may continue at school.

A new high school on Audrey Kell Lane near Hawk Ridge Elementary should open in fall 2006.

A parent committee suggested an attendance area drawn mostly from South Meck, along with a piece of Waddell and the southwest corner of Providence High. South Meck would pick up the southern end of Myers Park.

is one thing; using those restrictions to edge closer to racial balance is quite another. Except where necessary to correct the effects of past constitutional violations – a situation not extant here – racial balancing is “antithetical to our constitutional jurisprudence.” On this record, the numbers tell the tale: the Lynn Plan is not narrowly tailored to achieve the municipal defendants’ asserted diversity interests.

Under the Grutter/Gratz test, narrow tailoring also requires that those who would use race as a criterion first demonstrate that they have exhausted race-neutral alternatives. This does not require the proponents to try every conceivable alternative prior to the implementation of a

race-conscious plan; they may reject alternatives that are shown, on the record, to be unworkable or unpromising. We find that the responsible parties here – the municipal defendants – have not carried this burden.

We give credit where credit is due: the municipal defendants did seriously consider, and plausibly reject, a number of race-neutral alternatives. These included (i) a no-transfer policy, (crediting evidence from a demographics expert that instituting such a policy would throw several elementary schools into racial imbalance); (ii) a policy of unrestricted transfers, (crediting evidence that instituting such a policy would result in 500 to 800 segregative transfers

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per year); (iii) a redrawing of district lines, (noting the impracticalities of such a reconfiguration); (iv) a regimen of forced busing, (concluding that the problems attendant to forced busing, with all its historical baggage, justified Lynn's rejection of a "controlled choice" scheme); (v) a lottery system, (finding that demographic and scheduling factors warranted dismissal of this concept); and (vi) a plan using socioeconomic status, rather than race, as a benchmark for allowing transfers (noting that transfers based exclusively on socioeconomic status would exacerbate existing racial imbalance).

Notwithstanding these laudable efforts, it is equally clear that the process of consideration and rejection of these options was geared toward a goal of racial balance, and not toward a goal of ensuring a critical mass of minority and non-minority students in each school. If Lynn decides to create another plan to alleviate the perceived problem of de facto segregation, it would do well to revisit these measures (or, at least, such of them as held promise) in terms of critical mass theory. Lynn should also take note of the successes of other Massachusetts communities in creating race-neutral plans and study whether those plans might work in Lynn.

The Lynn Plan arguably has another flaw. In order to survive constitutional scrutiny on narrow-tailoring grounds, the use of race-based distinctions must be limited in time. This durational requirement stems from the reality that a core purpose of the Fourteenth Amendment – to eradicate governmental discrimination based on race – sometimes necessitates the use of race as a temporary means to its accomplishment. Consequently, even when race-conscious plans are justified, educators should stand ready to replace them with race-neutral alternatives as new programs become available or as changing

DidYaHear?

✓ The Houston Independent School District, former home of Education Secretary Rod Paige, is looking for a new superintendent, and guess who the Houston Chronicle says is not interested in the job? Why, Eric Smith, who left CMS for Anne Arundel County, Maryland, and has since flirted with Miami. "Houston is viewed as a solid school district and needs to build on its success," Smith was quoted as saying. Smith reportedly was brought in earlier this year as HISD briefed middle and high school principals on a plan to get more students into college-prep classes.

✓ And what did the Houston paper quote Charlotte Chamber chief Carroll Gray as saying about Smith's tenure at CMS? "He has a good track record in helping a diverse student body learn. We removed the vestiges of segregation."

✓ At the Education Center, they kept a wooden box for Susan Agruso to stand on when the height-challenged assistant superintendent has to speak from behind a lectern. With all the attention CMS put into its recent move of public meetings to the Government Center, this one little detail seems to have been overlooked.

✓ Two educators write that No Child Left Behind expects schools to turn parents into educators – and instead should help parents simply be better parents. Rutgers prof Maurice Elias and teaching assistant Yoni Schwab, in an Education Week commentary, note that No Child demands parents be taught "such things as the state's academic-content standards and state student academic-achievement standards; state and local academic assessments, including alternative assessments; the parental-involvement requirements of section 1118; and how to monitor their child's progress and work with educators to improve the achievement of their child." Instead, say the authors, why not ask parents "to support their children's education by creating daily routines that are predictable and structured, taking an active interest in school to convey the values of education and effort to their children, and making homework a priority by dealing with the problem of TV and other media distractions."

– *Send intelligence to swannfello@aol.com*



Agruso

circumstances permit.

To this end, the Supreme Court, albeit in the context of higher education, has recommended that administrators consider sunset provisions in race-conscious policies and assiduously review such policies "to determine whether racial preferences are still necessary to achieve student body diversity." We see no meaningful distinction between higher education and primary or secondary education when it comes to these criteria. Lynn falls short on this ground.

To be sure, the district court believed that the Lynn Plan had a "built-in" time-limiting mechanism because racially restrictive transfers to a particular school cease once that school is in line with the community's white-non-white ratios. We find this feature inadequate. Grutter posits that schools must periodically review the continued necessity of race-conscious measures and implement changes as and when race-neutral means become available. So long as that review is main-

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First Circuit speaks

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tained, a race-conscious plan may be somewhat open-ended.

Here, however, the internal mechanism of the Lynn Plan is insufficient to take account of external changes in circumstances. The School Committee performs ongoing demographic monitoring, gathering data on the schools' racial composition, on transfers, and on the performance of the magnet schools. What the record does not indicate, though,

is that the Committee has committed to undertake any manner of periodic review to determine whether ongoing developments might render the use of racial restrictions superfluous. Without that review, the mere compilation of statistics is not enough to satisfy the durational requirement. Any narrowly tailored plan must include a commitment adequate to ensure that school officials afford periodic, serious, and good-faith consideration of the continued need for racial restrictions.

To summarize succinctly, the seas of strict scrutiny can be rough sailing. So it is here: for

four reasons – the mechanical use of race, a design sculpted more to the achievement of racial balancing rather than to the educational benefits flowing from the attainment of critical mass, the failure fully to explore the feasibility of race-neutral alternatives, and the absence of a commitment to periodic review – we conclude that the Lynn Plan is not narrowly tailored to achieve the compelling governmental interest that spawned it in the first place.

That gets the grease from the goose. We hold that the transfer provisions of the Lynn Plan fail to survive the plaintiffs' equal protection challenge. We take no joy in this conclusion – the School Committee's motivations here were noble. Nevertheless, while we may empathize with the School Committee, this case aptly illustrates what government at every level should know: charting a course that depends upon racial classifications is, in constitutional terms, a risky business.

Briefly...

Clean Dancing: More than 300 students signed a petition at a Purcellville, Wash., high school after they were asked to sign a pledge that they would “face each other” on the dance floor at the upcoming homecoming dance, the Washington Post reported. The school wanted to limit inappropriate moves on the dance floor, but the students argued that the pledge limited their First Amendment rights.

www.washingtonpost.com

Boot camp critique: In a recent study on causes of youth violence, a National Institutes of Health panel of experts found that boot camps and other “scare tactics” do not prevent youth violence, the Boston Globe told its readers. Rather than put together in boot camp a group of teenagers who could possibly teach each other how to commit more crimes, the panel suggested that community- and family-based therapy would be more effective.

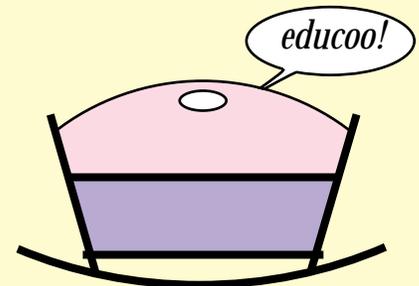
www.bostonglobe.com

Gaming truancy: Each school day 5% of the nation's school-age children are not in school due to truancy. Districts eager to receive federal funding under No Child Left Behind, which requires a 95% attendance rate on test days, are taking varied approaches to

the problem, the Christian Science Monitor reported. Some districts seek out students and get them back in school in order to obtain dollars gained when seats are filled. Many however, allow the children to drop out or disappear into alternative schools. Dropouts no longer count as absent students, the paper noted.

www.csmonitor.com

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State plans modest response to court

Continued from Page 1

60,000 4-year-olds are not in any child-care program. Judge Howard Manning initially ordered More at Four's expansion, but the N.C. Supreme Court said expansion was up to the legislature.

– Revising a 16-district Disadvantaged Students Supplemental Fund designed to boost teacher training and to lower class size. Easley moved \$22 million into the fund after legislators refused to appropriate any money last summer. The document does not indicate any expansion beyond the current 16 districts.

– Institutionalize at the state level the teams advising districts on policy issues, but keep the focus on low-wealth, not all, districts.

– Administer in “targeted schools and districts,” not statewide, a survey that identifies high-teacher-turnover schools.

– Create a “priority list” of districts, based on needs of at-risk students, to receive funding for “new schools, schools-within-schools and Learn and Earn schools” resulting from a Gates-Foundation-funded small-high-schools effort.

Legislative session, a detailed plan. The State recognizes that legislative appropriations will be needed to implement elements of this plan. The plan includes the following components:

Expand proven programs

– Ensure every at-risk four-year-old has access to a quality prekindergarten program. The State intends to continue to expand the More at Four program until at least 40,000 at-risk four-year-olds are assured access to quality pre-kindergarten programs. Expansion will be targeted first to students in school districts with the greatest needs.

– Evaluate, Refine and Expand the Disadvantaged Students Supplemental Fund to ensure schools and districts implement proven strategies. Based on an evaluation of the pilot DSSF Programs in the 16 initial pilots, the State will modify and expand this approach. Because it is clear that the current pilot is only the first step in reaching at-risk children, additional investments for the next school year and beyond are needed. The State will closely monitor and evaluate the pilot to measure the effectiveness of this approach and the specific options available to districts and make modifications as appropriate.

– Strengthen and Expand LEAAP into a new unit under the State Board to improve struggling school districts. Building on its pilot experience with the Local Education Agency Assistance Program, the State intends to create a full-time unit under the State Board of Education that works with a set of especially needy school districts. This unit will undertake thorough diagnostic analyses of the challenges facing districts and schools and provide intensive support on resource reallocation and policy decision-making with the objective of building local capacity in the districts.

– Continue the Teacher Working Conditions Survey and provide actionable data for problem schools and districts. Improved teacher retention and effectiveness are

Following is the text of a report from state officials on their plans to respond to court rulings that the state ensure that every North Carolina child, regardless of residence or income, have access to a constitutionally mandated sound basic education.

Executive summary

The State of North Carolina is committed to ensuring that all children receive the opportunity to obtain an education that prepares them for further education beyond high school, skilled jobs and careers in a changing workforce, and the responsibilities of citizenship in a democratic society. Furthermore, the State is committed to ensuring that all children have (1) a competent teacher, (2) an effective principal, and (3) adequate resources to meet high academic standards.

The State has demonstrated a commitment to target resources to meet the needs of at-risk students. Among other programs, the Governor, the State Board of Education and the General Assembly have recently created and funded the following:

– The More at Four Pre-Kindergarten Program for at-risk four-year-olds.
– A K-3 class size reduction initia-

tive.

– The High Priority Schools Act.
– The Local Education Agency Assistance Program to provide assistance to poorly performing districts.
– The New Schools Project to reform high schools.

Most recently, the Governor identified \$22 million for use by the State Board of Education to implement the Disadvantaged Students Supplemental Fund (DSSF). The DSSF Program provides targeted resources to assist at-risk students in 16 school districts marked by low student performance, low teacher experience, high poverty, high teacher turnover.

The State remains committed to these important efforts. Nevertheless, State education leaders understand that more remains to be done to improve the achievement of at-risk students and ensure that every student has the opportunity to obtain a high quality education. Towards that end, the State is committed to 1) expanding and enhancing existing initiatives and 2) developing select new initiatives targeted to meet the needs of at-risk students.

Consistent with that commitment, the State intends to construct, prior to the start of the 2005

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essential to improving educational opportunities for all students. The Teacher Working Conditions Survey has been demonstrated to provide important actionable data to schools and districts to predict teacher turnover and student achievement. The State intends to use the Survey intensively in targeted schools and districts to help districts to attract and retain teachers and principals and increase their effectiveness.

– Expand the New Schools Project and Learn and Earn. To improve the preparation of high school students to access further education and compete for skilled jobs, the State intends to expand its development of new schools, schools-within-schools, and Learn and Earn schools to provide access to students in every county. These innovative models will be the cornerstone of the State's approach to lower dropout rates, boost graduation rates, and increase college-going rates.

New commitments

– Expand teacher supply for hard-to-staff schools. The State believes that it is important to boost the supply of qualified teachers in the areas where they are needed most. Increasing partnerships between community colleges and public and private schools of education is an important tool for achieving that objective. Therefore, the State foresees expanding “2+2” partnerships between schools of education at four-year institutions and community colleges located in proximity to hard-to-staff-schools throughout the State. The State is also committed to exploring additional avenues for increasing the supply of qualified teacher candidates for hard-to-staff-schools.

– Provide high quality professional development for teachers and principals. The State will develop a comprehensive portfolio of professional development offerings in core areas for principals and teachers to ensure access to high quality professional development in key content areas and skills to improve the achievement of at-risk students. Analyses of student performance

data, Teacher Working Conditions data, and the State's work in low-performing schools and districts will be used to determine specific topics.

– Connect school, social service and delinquency prevention resources. The State will bring together the agencies responsible for school, social service, and juvenile justice resources to develop strategies for high need schools and counties. Working together and with local governments, these State agencies can coordinate parent support, mental health services, health services, and delinquency prevention and other juvenile justice-related services to support children's health and school performance, and help parents to be actively involved in their children's education.

Immediate action

The State is committed to immediate action to develop these initiatives and implement them to improve the educational opportunities available to at-risk students. The State holds that the future growth and prosperity of North Carolina depends upon today's students receiving an education that prepares them for higher education, skilled jobs and careers, and a life of democratic participation.

To that end, the State intends to take a budget and policy package including these programs to the 2005 session of the General Assembly.

Over the course of the last few weeks and months, the Office of the Governor, the State Board of Education and the Department of Public Instruction have been engaged in a series of discussions about the development of a long-range plan to meet the needs of at-risk students. In the coming months before the 2005 Legislative session, the State will develop the detailed plans needed to carry out the commitments it has described. The Office of the Governor and State Board of Education will work with the General Assembly and with education leaders and other interested parties in crafting the details of these plans.

The following steps will take

place in the coming weeks and months in anticipation of taking a detailed package to the General Assembly for the 2005 session:

Oct. 26, 2004 - Jan. 26, 2005

– Nov. 5. The Office of the Governor, Department of Public Instruction (DPI) and State Board of Education (SBE) representatives will hold initial meeting with Amicus groups and teacher groups.

– Nov. 19. The Office of the Governor, DPI and SBE representatives will reconvene a group of superintendents and other representatives, including individuals from plaintiff and plaintiff-intervenor districts.

– Nov. 30. The Governor will convene the Education Cabinet to meet and take up relevant items from this plan. The Education Cabinet will determine those items needing action by education governing boards.

– Dec. 1-2. The State Board of Education will evaluate and approve plans for the five remaining districts under the Disadvantaged Students Supplemental Fund at its monthly meeting in December.

– Representatives from the Governor's Office, DPI, SBE, the Legislature, the Education Cabinet, K-12 school leaders, and other key stakeholders will continue meetings to construct the details of the plan.

– The Office of the Governor, DPI, and SBE will work with legislative representatives on development of a legislative package for the 2005 session of the General Assembly, which opens on Wednesday, Jan. 26, 2005.

Beyond the 2005 Legislative session, the State is committed to continuing the development and implementation of proven strategies for meeting the needs of at-risk students.

Background

Over the past two decades, the State has put into place a series of policies that have helped North Carolina make especially significant progress in the academic achievement of its young people.

In the late 1980s, the state began a focus on testing and accountability with the introduction of

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statewide curriculum standards, testing and public accountability. In the 1990s, the State refined its accountability system and placed a major emphasis on teacher quality. In the mid-nineties, the State implemented the ABCS of Public Education and school level testing and accountability. The testing and accountability system helped to focus attention and resources on the needs of students and schools throughout the state, especially those students not performing at or above grade level on state assessments. In addition to providing information on the achievement of schools and students, the ABCs program also assigned assistance teams to low-performing schools and instituted Gateways in grades three, five and eight to stem social promotion. The ABCs Program has allowed the state to understand which students and which schools are most in need of additional assistance and support.

Also in the 1990s, the State made significant investments in its teaching workforce, including raising teacher pay to near the national average and in the top half of the nation – where it remains today. The Excellent Schools Act of 1997 raised teacher pay, increased teacher standards, created accountability measures for schools of education, and improved the support of new teachers in the profession.

Improvement on national assessments, including the National Assessment of Educational Progress in reading, writing and mathematics and the SAT, demonstrates that North Carolina's approach is yielding results. In addition, reports from the RAND Corporation and the National Education Goals Panel and, most recently, from the Education Trust in October 2004, found that the steps that the state had been taking were increasing achievement scores and reducing achievement gaps on national assessments in reading and math.

The 2000 RAND report, "Improving Student Achievement: What NAEP Test Scores Tell Us," laid out a clear path for moving forward to improve achievement, espe-

cially among its at-risk students. The RAND report found that the most cost-effective approach to improving reading and math achievement on the National Assessment of Educational Progress was to lower teacher-student ratios in the early grades, expand public Prekindergarten, and provide additional resources to teachers. The report found that "investing in better working conditions for teachers to make them more productive (lower pupil-teacher ratios, more discretionary resources, and improved readiness for school from Prekindergarten) could produce significant gains in achievement scores."

In accordance with that report and other significant education research, Governor Mike Easley, the State Board of Education and the Legislature have worked together to ground the state's school improvement efforts in a research-backed approach for raising achievement of all students, with a particular focus on improving achievement for at-risk students. The State has focused on pre-kindergarten programs, smaller classes in the early grades, and supporting the needs of teachers.

Beginning in 2001, the State began to put these research-backed policies into place:

– **The More at Four Prekindergarten Program** was implemented in 2001 and served 1,500 at-risk four-year-olds in 34 counties. In 2004, it is reaching 12,000 at-risk four-year-olds in all 100 counties. Research has documented that bringing students to school ready to learn increases academic achievement and educational attainment over time.

– **K-3 Class Size Reduction** that reduced the teacher-student ratio to 1:18 in grades K-3 between 2001 and 2004, funding the reductions one grade level at a time over the past four years. Research shows that smaller classes in grades K-3 leads to increased student achievement, decreased behavioral problems, and increased high school graduation rates. Smaller classes are a particularly powerful strategy for raising the achievement of at-

risk students. Class size reduction has also been shown to be an important tool in attracting and retaining teachers in the early grades.

– **The High Priority schools** initiative reduced class size to 15 in the 36 highest-poverty and lowest-performing elementary schools in grades K-3 and added five additional days for teacher professional development and five additional days schools days for students.

The State also implemented a number of other important initiatives since 2001 to improve educational opportunities and achievement across the state:

– **The Local Educational Agency Assistance Program**, which provided school district-level assistance teams to work with low-performing districts. The teams work with the school district to review data, resource allocation, strategies, and challenges. The first effort began in Hoke County and has expanded to additional school districts.

– **The Teacher Working Conditions Initiative**, which launched in 2002 a statewide survey of teachers and administrators on working conditions in the schools. The survey was repeated in 2004. In 2004, the survey generated detailed reports on teacher working conditions for 90% of all schools and each of the 115 school districts. Research has been completed recently on this data which shows that the working conditions data is predictive of teacher turnover and student performance outcomes, making this data extremely valuable as a tool for improvement at schools.

– **The New Schools Project to reform high school.** Supported initially by an \$11 million grant from the Bill and Melinda Gates Foundation, the New Schools Project is focused on improving high schools in order to dramatically improve the dropout, high school graduation, and college-going rates in North Carolina. Based on research that shows that smaller schools lead to higher graduation rates and better preparation for college and jobs, the initiative is

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focused on creating smaller high schools with deeper connections to higher education and workplace skills. The project focuses on students whom traditional high schools are not serving well.

The Project has begun by investing in the creation of 8 health science-themed smaller schools and schools-within-schools, and 15 Learn and Earn high schools where students graduate from high school and earn both a high school diploma and an associate's degree or two years of university credit. Learn and Earn high schools are done in conjunction with local community colleges and four-year institutions. The next phase of the New Schools Project is the implementation of proven small school models in districts in northeastern North Carolina.

In addition to the \$11 million granted by the Gates Foundation, the state is investing \$2.2 million on a recurring basis to begin the Learn and Earn high schools.

These investments and approaches represent research-backed practices to improve teacher retention and effectiveness and boost student achievement. The State believes they represent an important set of building blocks for addressing the needs of at-risk students.

Nevertheless, the State believes that more must be done for at-risk students in North Carolina.

Additional funding

In July of this past year, the State began its most recent effort to address the needs of at-risk students with the creation of the Disadvantaged Students Supplemental Fund (DSSF) pilot program. The DSSF pilot is now working in select districts to allocate additional resources for proven strategies to boost the achievement of at-risk students. Governor Easley has identified and made available up to \$22 million for use by the State Board of Education to support 16 school districts. The pilot is operating as follows:

- Districts were identified based on levels of student achievement, student poverty, and teacher attrition. Based on a formula, specific

funding levels were set for each district.

- The State Board assigned assistance teams to each district to help in the creation of their plans for using the DSSF resources.

- Plans from local districts are based on a “menu of proven strategies” developed by the State Board of Education. Districts have the flexibility to decide which options best meet their needs, but they must use the options provided by the State Board. The options include bonuses for recruiting and retaining teachers; additional personnel for such strategies as reducing class size, hiring reading coaches, and supporting new teachers; professional development for teachers and principals; supporting afterschool and other extended day programs; and implementing personal education plans.

- Funding for districts is contingent upon the approval of the State Board of Education.

- The Board will evaluate the results from the DSSF pilot, including the effectiveness of additional resources, the targeted options, and the DPI assistance on improving student achievement and teacher attrition.

Moving forward

The aforementioned strategies for improving student achievement – especially the achievement for students below grade level – are yielding results. The State intends for these strategies to serve as the foundation of its continuing effort to construct a system of K-12 public education that provides superior education for all students and, more specifically, meets the needs of at-risk students.

In order to ensure that all students are receiving a high quality education and that they have access to caring, competent teachers in their classrooms, effective principals in their schools, and the instruction they need to meet high standards, the State is committed to taking the following steps to maintain and expand proven strategies for school improvement. Additionally, it is recognized that the Legislature will need to appro-

priate additional resources to allow the State to expand a number of these proven strategies for increasing the achievement of at-risk students.

1. Ensure that every at-risk four-year-old has access to a quality prekindergarten program.

Recognizing that students who do not start school ready to learn remain at-risk of school failure and dropping out throughout their career, the State intends to expand the More at Four Prekindergarten Program for at-risk four-year-olds towards its goal of access for the estimated 40,000 at-risk four-year-olds in the state. Quality pre-kindergarten programs are the fundamental building block for the State's effort to meet the needs of at-risk students across the state. Without access to quality pre-kindergarten programs, at-risk students start school behind and remain at-risk of school failure throughout their-school careers.

In expanding More at Four, the State will identify high-need areas with respect to educational performance, families in poverty, and other key indicators to determine priority sites for funding expansion.

2. Evaluate, refine and expand the Disadvantaged Students Supplemental Fund pilot approach to ensure that districts and schools implement proven strategies for meeting the needs of at-risk students.

The Governor and State Board of Education have implemented the Disadvantaged Students Supplemental Fund in 16 school districts for the 2004-05 school year. The pilot requires that assistance teams, assembled by the Department of Public Instruction, work with eligible districts to determine plans for using additional resources based on a menu of proven strategies. The Governor, State Board and General Assembly will carefully analyze the success of the different strategies chosen by the 16 districts in order to determine which approaches best met the goals of attracting and retaining teachers, ensuring an effective principal, and providing individual-

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ized instruction that increases the achievement of students at-risk of school failure.

As part of this critical effort, the State Board of Education will evaluate the performance of students, the supply and retention of teachers, the appropriateness of the current menu of options provided, and the efficacy of DPI assistance. In addition, the State will examine the appropriate state and local fiscal responsibilities for additional investments, and the differences in working with urban versus rural school districts.

Based on evaluation findings, the State will modify the menu of options and expand this effort to additional schools and school districts. The current pilot is a first step and the State recognizes that additional investments are needed for the next school year and beyond.

3. Strengthen and expand LEAAP into a new unit under the State Board to improve struggling school districts.

Building on its experience with the Local Education Agency Assistance Program, the State is committed to create a unit under the State Board of Education that works with a set of school districts most in need to analyze the challenges, provide intensive support on resource and policy decision-making, and build the capacity of these districts.

This new unit would work with districts that need immediate and intensive support to improve education for its students. The State will develop criteria to determine which districts are most in need of assistance from this unit.

The unit would provide the following types of assistance: 1) a detailed diagnostic analysis and audit of student performance trends, teacher working conditions, and resource allocation; 2) work with the district to develop a plan for resource reallocation and strategies for deploying additional funding; and 3) brokering relationships/assistance for the districts with higher education partners, the programs of the UNC Center for School Leadership Development,

and other appropriate entities. This effort would provide intensive and targeted assistance and guidance on resource allocation and the use of strategies to guide improvement.

The State Board of Education would approve plans for the district's use of state funds based on the unit's work with the district. The unit would be comprised of new personnel assigned solely to this function.

4. Improve teacher retention and effectiveness by using the Teacher Working Conditions Survey to provide actionable data to schools and districts.

With data that demonstrates a correlation between working conditions and teacher turnover rates and student achievement, the Teacher Working Conditions survey is an important tool for assisting school and district efforts to attract and retain caring, competent teachers and to develop effective principals. In addition to the statewide administration of the data, the State will look to require administration of the survey in targeted schools and districts. This will ensure a full set of data to use as an assessment tool to determine needed strategies in those locations.

The survey data has found that improving working conditions is critical particularly to attracting and retaining high quality teachers for at-risk students. Targeted use of additional resources for this purpose will be considered as a part of state assistance for at-risk students.

5. Expand the New Schools Project and Learn and Earn Schools to improve the preparation of high school students to access further education and compete for skilled jobs.

The State is committed to an ambitious effort to improve high schools, especially for those students whom the traditional high school model does not serve well and who are at-risk of dropping out. The State intends to expand its development of new schools, schools-within-schools, and Learn and Earn schools to provide access to students in every county. The State Board of Education, working

with the New Schools Project, will create a priority list of districts to receive funding and assistance under this project based largely on the needs of at-risk students. All new schools have goals and outcome measures that include improving student achievement, graduation rates and the college-going rates of their students.

The State believes that these efforts will target resources and assistance effectively to provide caring, competent teachers, effective principals, and the individualized instruction needed to help students at-risk of school failure meet high standards and be well prepared for further education and a skilled workforce.

The State will develop an accountability mechanism to evaluate the impact of these investments to improve the achievement of at-risk students. The mechanism will, at a minimum, use student performance from the ABCs program and the teacher working conditions data. The accountability mechanism should also hold the State accountable for its assistance to districts and schools.

Additional efforts

In addition to its commitment to expand and maintain existing initiatives to meet the needs of at-risk students, the State also believes that there are additional efforts needed to support schools and districts to help all students achieve.

Expand teacher supply by increasing partnerships between community colleges and schools of education.

The State understands that there is a critical need to boost both the supply and retention of teachers in hard-to-staff schools. The shortage of qualified teachers for hard-to-staff schools is a problem that afflicts every state in the nation. While North Carolina has been recognized for its leadership in this area nationally, the State realizes that more remains to be done.

Hard-to-staff schools in the state have a significant number of lateral entry and first-year teachers. While more needs to be done to induct, support and retain these individu-

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school, social service, and juvenile justice resources.

Efforts would aim to target schools and counties with high need of support across the state. Such efforts might provide for the coordination of parent involvement, mental health services, health services, and delinquency prevention and other juvenile justice-related services for youth and families in participating schools.

Plan for immediate action

The State has already demonstrated its commitment to pre-kindergarten for at-risk four-year-olds, class size reduction, additional resources to support at-risk students in targeted school, district assistance, high school reform and improving teacher working conditions has been demonstrated. That commitment will continue.

In addition, the State is committed to expanding a number of these proven strategies, targeting them to meet the needs of at-risk students and finding solutions for other important educational problems, such as increasing the supply of teachers and connecting social services with schools and other areas.

To that end, the State intends to take a budget and policy package including these programs to the 2005 session of the General Assembly.

In the coming months before the 2005 Legislative session, the State will develop the detailed plans needed to carry out the commitments it has described. The Office of the Governor and State Board of Education will work with the General Assembly and with education leaders and other interested parties in crafting the details of these plans.

The State holds that the future growth and prosperity of North Carolina depends upon today's students receiving an education that prepares them for higher education, skilled jobs and careers, and a life of democratic participation.

als, the fact remains that there is a shortage in the supply of highly qualified teachers for hard-to-staff schools.

This, however, will not be accomplished by merely increasing the supply at schools of education. Existing patterns show that preparation in the state's schools of education generally leads to employment in the surrounding environs of those universities. Unfortunately, many of the schools and districts with the greatest need for qualified teachers are not in close proximity to school of education. In addition to providing targeted incentives to bring teachers to hard-to-staff schools, the State believes that it must look to boost the supply of qualified teachers in the areas where they are needed most.

To do so, the State sees an expansion of "2+2" partnerships between schools of education at four-year institutions and community colleges, which are located in critical regions throughout the state. Existing "2+2" programs have shown great promise in increasing the supply of qualified teachers prepared to teach and remain in areas where teachers are needed. In examining the prospects for expanding this approach, the State will identify regions of the state with high teacher attrition, low levels of teacher candidate supply, and underperforming schools as priorities for "2+2" program' expansion.

The state is also committed to examining additional avenues for increasing the supply of teacher candidates from schools of education, resources and approaches to prepare qualified lateral entry candidates, and other strategies to increase the availability of qualified teachers in hard-to-staff schools.

The State recognizes that in working to increase the supply of qualified teachers for hard-to-staff schools it must also remain vigilant to improve the retention of qualified teachers in these schools.

Provide high quality profes-

sional development for teachers and principals.

Any effort to ensure effective teachers and principals in classrooms and schools must include providing them with high quality professional development that supports their ability to help students reach high standards. The State has invested in a number of important and effective professional development efforts such as the Teacher Academy, the N.C. Center for the Advancement of Teaching, and the Principals Executive Program. The State has also vested the lion's share of responsibility for providing professional development in schools and school districts. Unfortunately, many teachers and principals report that they lack access to high quality professional development.

The State will explore the development of a comprehensive portfolio of professional development offerings in core areas for principals and teachers. This includes identifying the content areas and skills where teachers and principals need the greatest support, the development of these professional development models, and the deployment of them (including on-line instruction) to teachers and principals.

Connect School, Social Service and Juvenile Justice Resources.

The State recognizes that schools and schools systems alone cannot meet the challenges of educating all students for the challenges of higher education, the workplace, and participating in the democratic life of their communities. It is critical that children and families receive the support they need to be healthy and actively involved in their children's education.

The State intends to bring together the State Board of Education and the Departments of Public Instruction, Health and Human Services, and Juvenile Justice and Delinquency Prevention to jointly develop strategies for connecting

Remember: If you don't do it, chances are it won't get done. Don't drop the ball – or the baby. See Page 10. And thanks.

