

## Character question of the month: Fairness



Pughsley

The ink was barely dry last month on the school board's "guiding principles" for this year's student assignment overhaul before Supt. Jim Pughsley was taking respectful but pointed exception to the document.

"I'm not totally OK with the guiding principles," Pughsley said recently. "I'm going to have to work with them to be fair to all students."

The principles, by mandating school seats close to suburban white neighborhoods, essentially guarantee the continued resegregation of CMS. The district worked for decades under court order to remove vestiges of separate and unequal schools.

"Not everyone is interested in all students," he added without further comment. Society has "lost its focus with regard to the common good... We could easily wake up with something that we

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# Suspension rates

## State board sees 10.4% increase in N.C. rate; about 1 million hours in learning time is lost

State education leaders Wednesday confronted a 10.4% increase in short-term suspensions as zero-tolerance disciplinary practices take a toll on students' class time.

About a million hours are being lost each year, a report said.

The increase to 311,482 short-term suspensions in 2003-04 involving 150,916 different students came on top of a 7% increase in short-term suspensions the previous year.

Administrators said that in many rural N.C. communities where most adults still smoke and parents allow their children to smoke, schools' decisions to suspend students for smoking are simply inexplicable. N.C. districts set their their own disciplinary policies. "We do not have a code of conduct," said Marvin Pittman, state director of middle schools.

A group of Davie County stu-

dents contributed to the board's Raleigh discussion that covered dropout, suspension and expulsion rates along with efforts being made to improve student behavior statewide.

The students, enrolled at Eagle Academy, an alternative school-within-a-school at Davie High in Mocksville near Winston-Salem, were asked when they first thought about dropping out of school.

Sixth grade, said one. "My grades went down the hill..."

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## Clashing commas? Time heals

Grades may be terrible on the state's writing tests – only about half of fourth-, seventh- and 10th-graders last year were on or above grade level – but older students appear to do better, particularly on the mechanics of writing, the State Board of Education was told Wednesday afternoon.

Overall scores did not improve much, but rising 10th-grade scores on the 2003-04 writing assessment "were due in large part to more student success in the application of conventions," or

grammar and word usage, state officials said in their annual report on writing.

Accountability Division head Lou Fabrizio was asked Wednesday if the state board would ever be asked to add writing to the five end-of-course exams that will be used as a high school exit hurdle. After a pause, Fabrizio said:

"I'm trying to think of a politically correct way to respond. I could see it, but I'd rather not.

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## Will N.C. lottery be opportunity to meet Leandro challenge?

Wednesday's N.C. House decision to support a gaming lottery means North Carolina has what one observer called a "once-in-a-lifetime shot" at meeting the education needs of at-risk children.

Projections of more than \$100 million annually for additional education initiatives from a lottery mean legislators could have a huge pot of discretionary spending – or that the General Assembly could meet the mandate of the state courts to ensure that every child in the state receive a "sound basic education."

The lottery vote puts the spotlight again on Superior

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# THE SWANN FELLOWSHIP

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## Short-Term Suspensions

# Rate rises 10.4%

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teachers didn't care about me."

Fifth grade, said another. Fourth or fifth, said a third. Sixth grade when a ninth-grade sister started considering dropping out, said a fourth.

All the students praised their new small program, in which all teachers take on an advisory role and, as one said, every teacher helps students ask the question, "Have you ever thought of who you are and what you want to do?"

A report on a Positive Behavior Support (PBS) program piloted in 16 districts, including CMS, showed numbers of students suspended and the total of suspension days to have dropped by half at one Durham elementary. Officials said results at other pilots were good, but less dramatic.

When board member John Tate of Charlotte asked the cost of placing the intensive teacher training and other components of PBS in all schools statewide, he got no answer.

"We understand the interdependence of these issues – dropouts, suspensions, expulsions," said State Supt. Tricia Willoughby.

Wednesday's reports from successful programs in the field showed what's being tried.

"Are we there yet? No," said Willoughby. "Do we have a lot of work to do? Yeah. But we are making progress.

"A program like Positive Behavior Support is clearly important. The New Schools Project and the restructuring of high schools: What you heard loud and clear ... from Eagle Academy was rigor, expectations of students, relevance ...and relationships – relationships between teachers and students, between students, and between teachers. We heard those three components of our New Schools Project very loud and clear, and I applaud this board for the support you have

shown....

"Folks, these aren't just school problems. Discipline is not just a school problem. The governor's budget includes funds for child and family support teams as an acknowledgement of bringing together services to support families and communities....

"If you don't think health issues don't impact dropout rate, you're wrong. They do.

"If you don't think family issues and things that are going on outside school for kids – you heard those kids say it.

"We've got to address the whole child. And we're making progress ... but we've got to make it faster and better...."

Short-term suspensions can last up to 10 days.

In their annual report on suspension data that is reported in this issue beginning on Page 4, state officials noted that the data is for suspension events, not the number of students suspended. Some students may be suspended more than once.

Also, given that districts define their own grounds for suspension, districts should not be compared one to another in terms of rates.

According to the report:

– "A total of 311,482 suspensions for 10 days or less occurred in 2003-04. This represents a 10.4% increase from the previous year (282,240).

– "The 311,482 short-term suspensions in 2003-04 were given to 150,916 different students (i.e., some students were suspended more than once), for an average of approximately 2.06 short-term suspensions per suspended student.

– "These 311,482 short-term suspensions totaled 928,646 school days, or an average of 3 days per suspension in 2003-04.

– "As in previous years, the majority of short-term suspensions in 2003-04 were given to male students.

– "Rates of short-term suspension increased for both males and females in 2003-04.

– "The rate of short-term suspensions for male students in

2003-04 is 2.6 times higher than for females. In 2002-03, this rate was approximately 2.5 times higher.

– "White and Black/Multiracial students accounted for the majority of short-term suspensions each year since 2000-01.

– "Over half of all of the short-term suspensions given each year since 2000-01 were given to Black/Multi-racial students.

– "There was an increase in the number of short-term suspensions given across all ethnic groups in 2003-04.

– "As in previous years, the percentage of short-term suspensions given to males in 2003-04 was higher than that for females within every ethnic group.

– "Black/Multiracial males represent approximately 16% of the overall student population. However, they accounted for over 40% of the short-term suspensions given over the last four years.

– "In 2003-04, Black/multiracial females accounted for 18% of short-term suspensions, slightly higher than their representation in the overall student population. In contrast, White females account for 28% of the overall student population, but only 8% of short-term suspensions

– "The most common grade level for short-term suspensions each year has been the ninth grade, which accounted for 22% of short-term suspensions in 2003-04 and 21% in years prior.

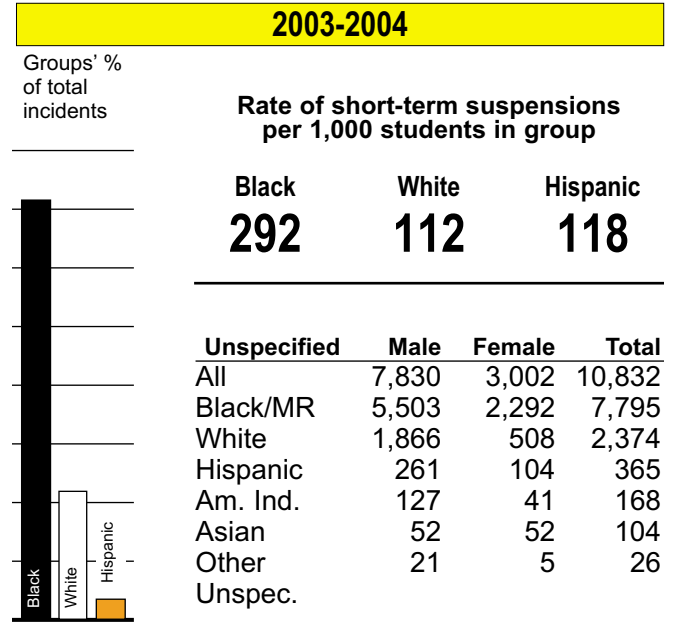
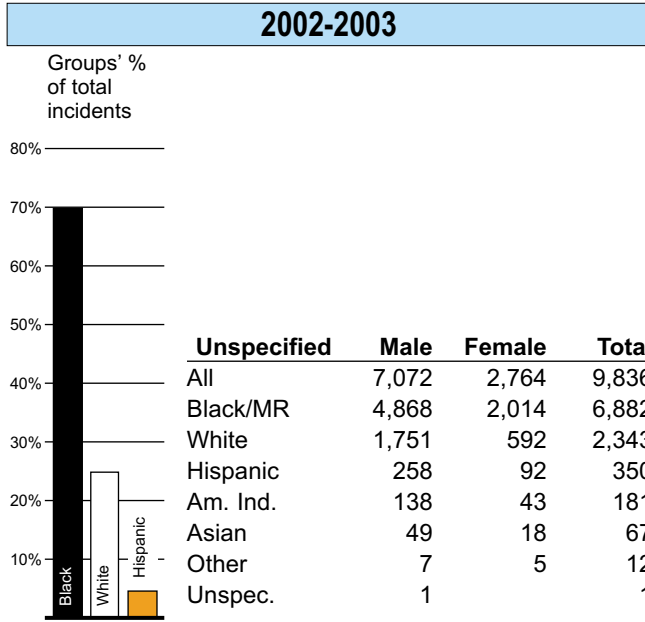
– "The incidence of short-term suspensions in each year rose dramatically in the middle grades up through grade nine, then steadily declined in grades 10 through 12.

– "For all grades except 3 and 5, overall short-term suspensions increased in 2003-04 relative to 2002-03. Grades 2 and 3 have less short-term suspensions in 2003-04 than in 2001-02.

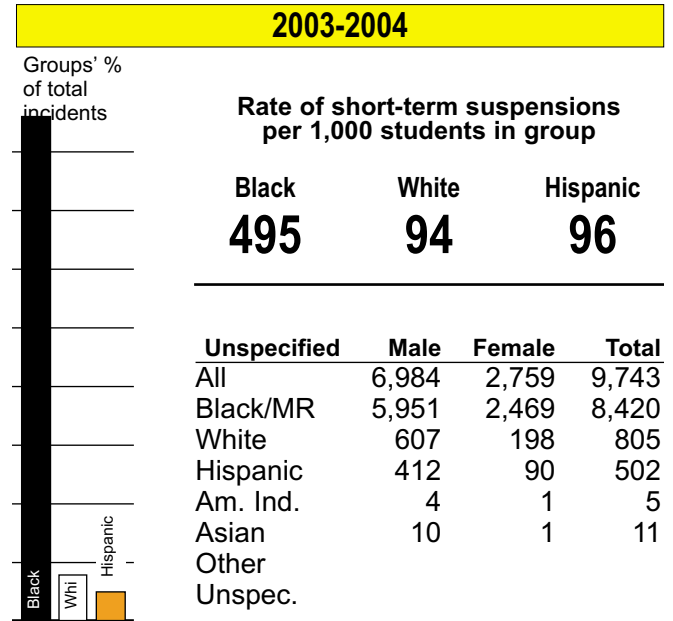
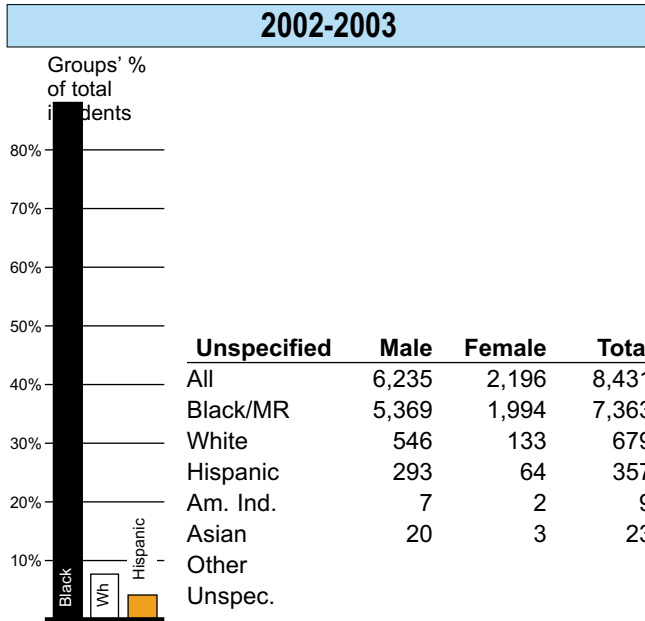
– "The largest percentage increases in short-term suspensions between 2002-03 and 2003-04 were among 12th-grade students (>18% increase), ninth-grade students (17%), and first-grade students (14%)."

# Short-Term Suspensions

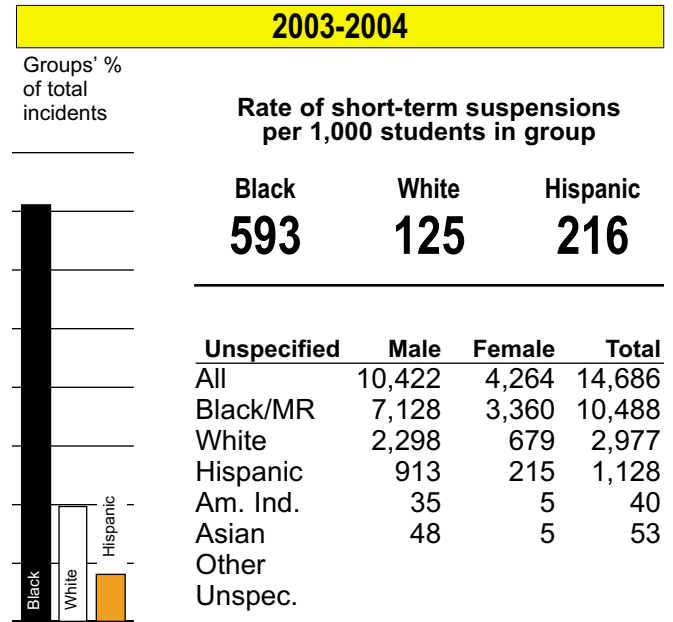
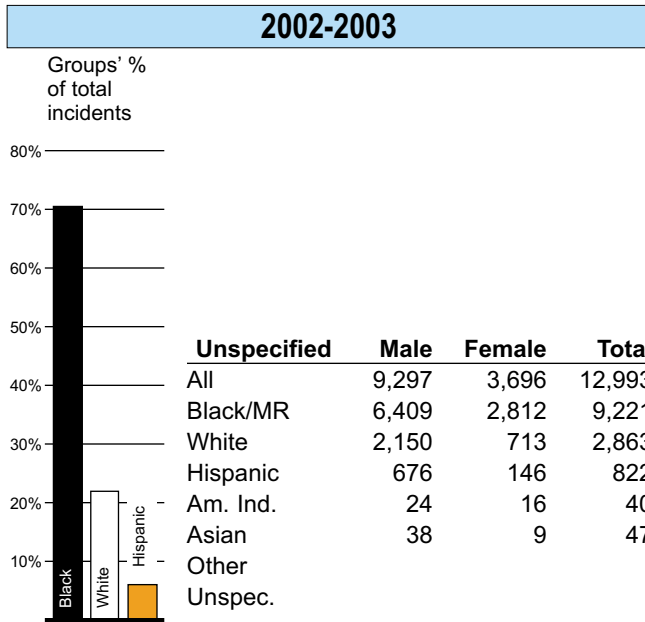
## Cumberland County



## Durham County

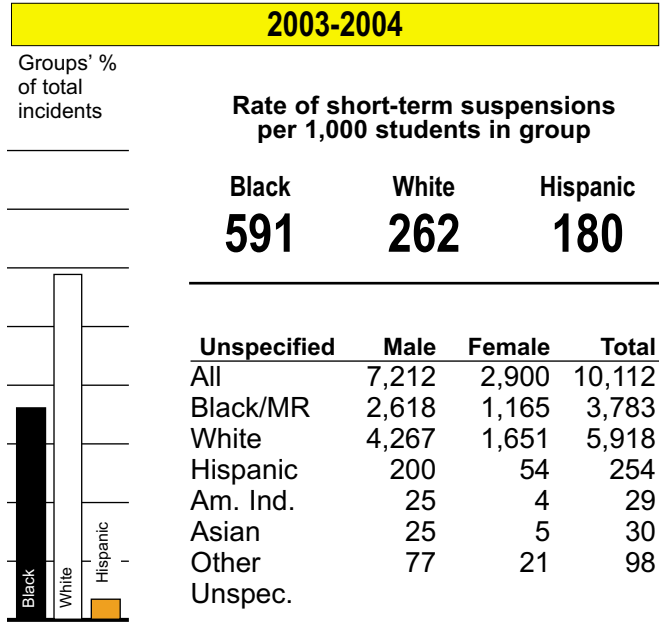
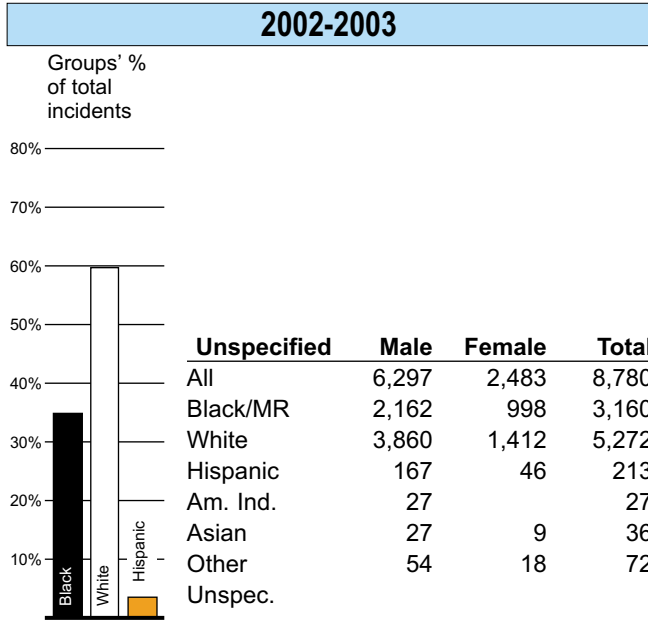


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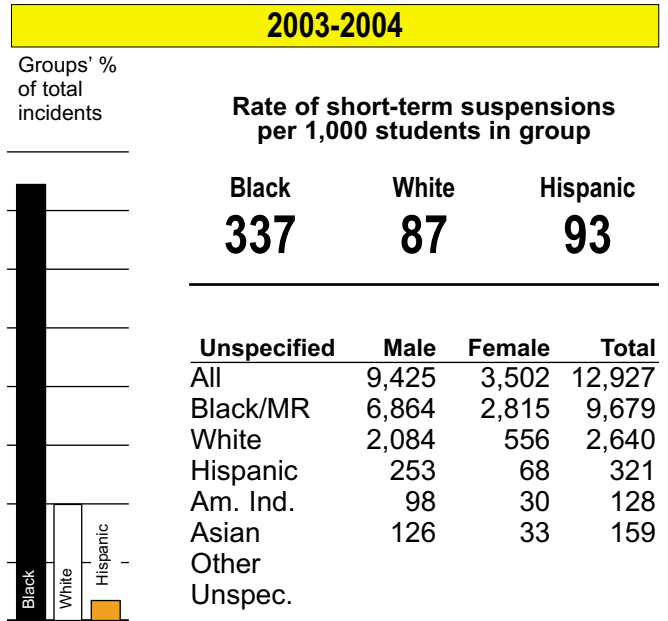
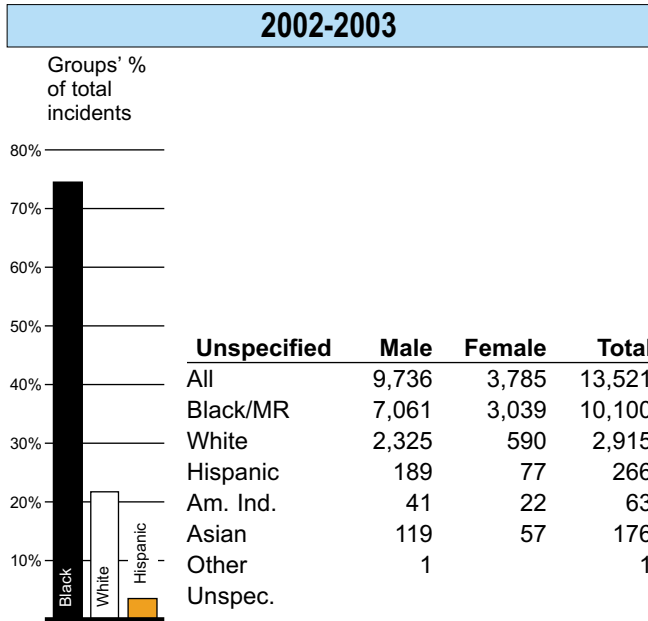


# Short-Term Suspensions

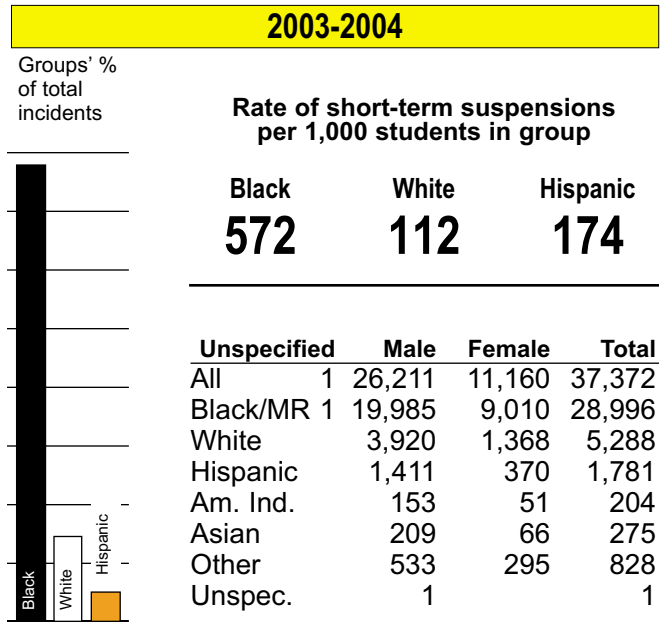
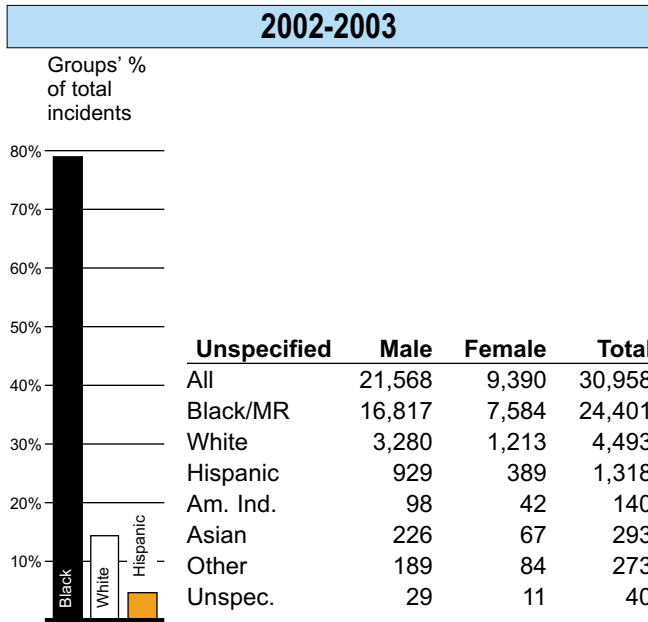
## Gaston County



## Guilford County

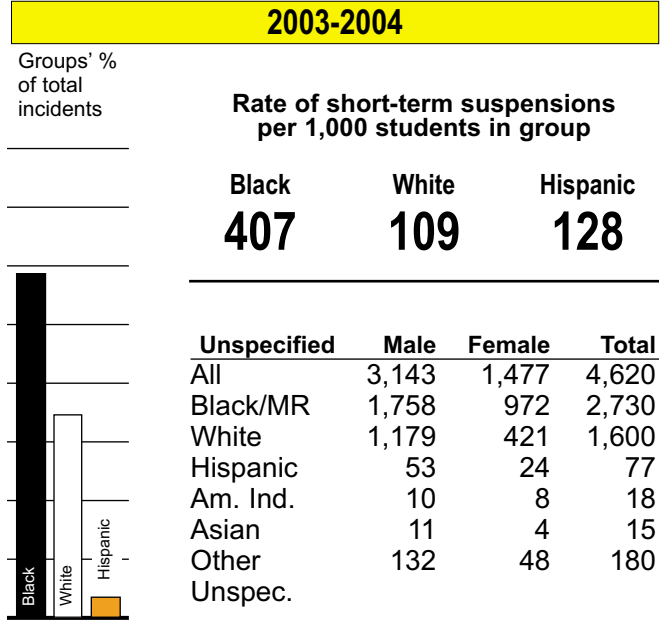
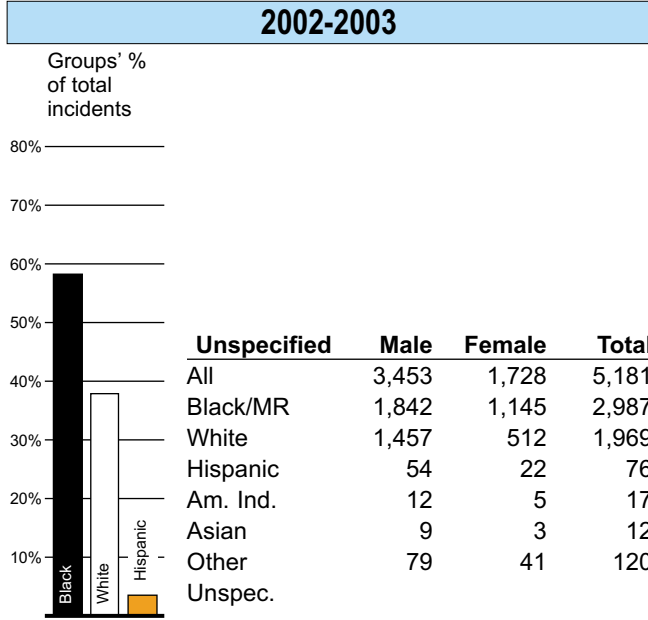


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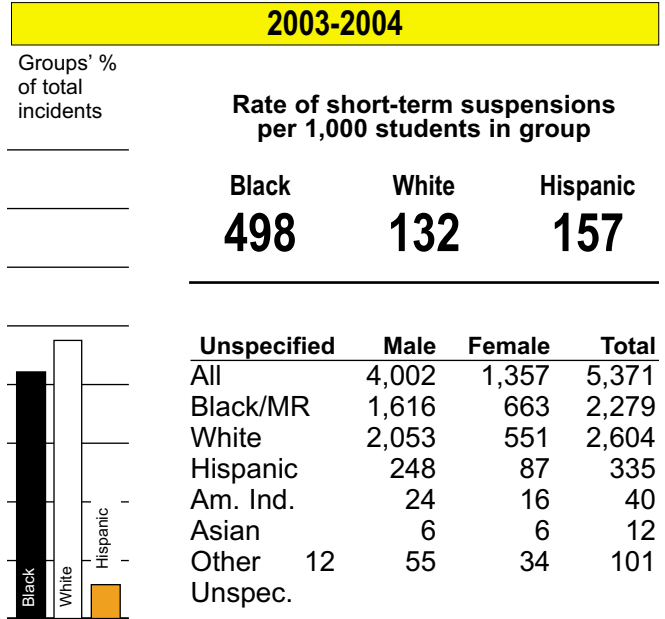
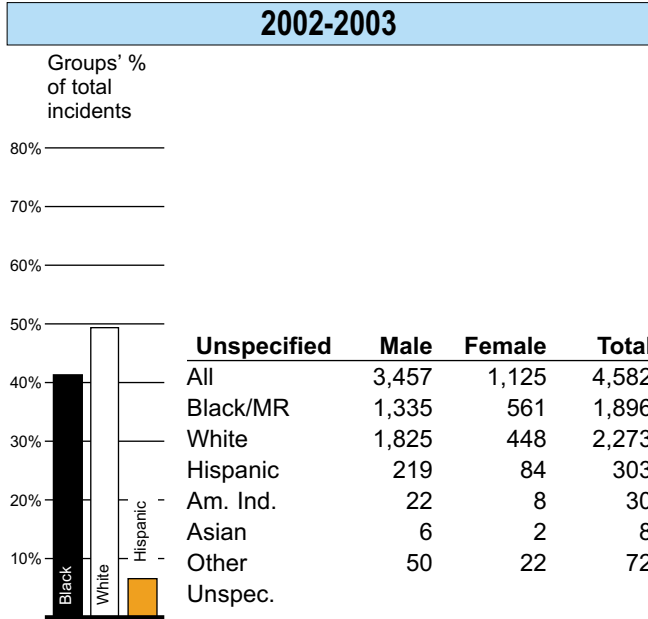


# Short-Term Suspensions

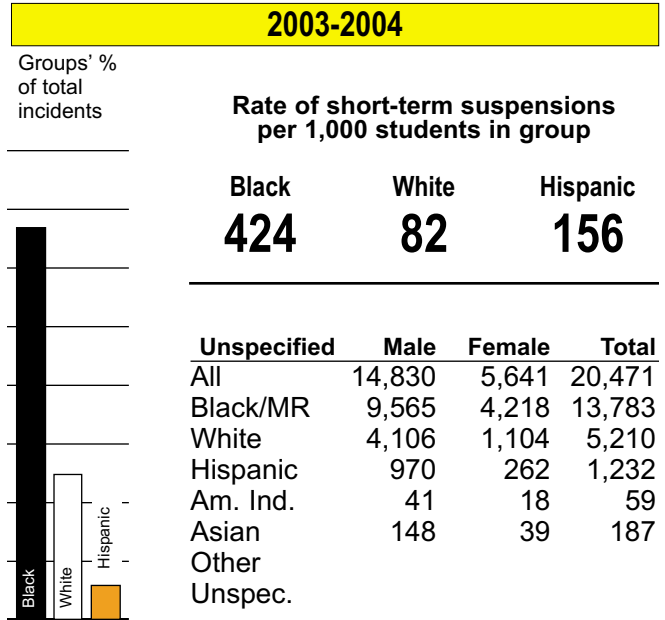
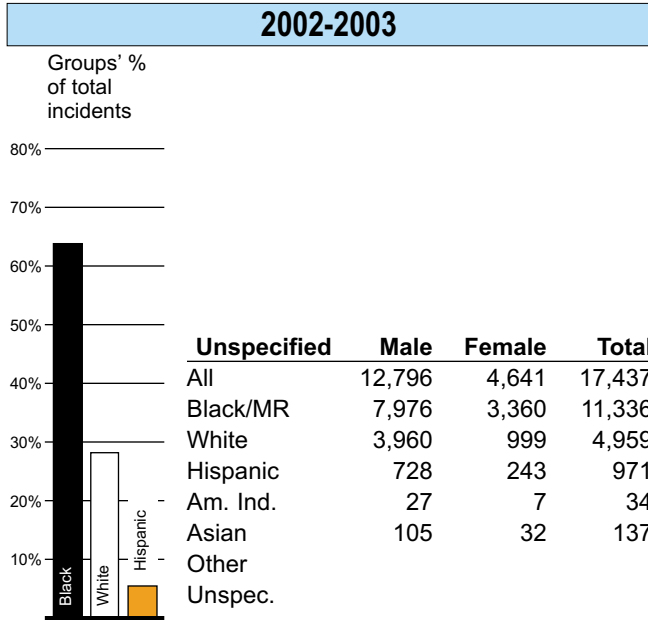
## New Hanover County (Wilmington)



## Union County



## Wake County



## A question of fairness

Continued from Page 1

can't live with....'

He said he "did not mean to imply" that black and white children must sit in the same classroom for all to learn. "But a black child needs the same tools," and a black school must have the same "critical mass of quality teachers" that tends to be present in high-achieving white schools.

"Our schools have in fact re-segregated. You only have to go to the schools and look and see for yourself."

Pughsley's comments ranged widely during his visit with the largely African-American Norwes chapter of the AARP as it met Thursday, March 24, at C.N. Jenkins Memorial Presbyterian Church on Statesville Avenue.

He said he favored achieving "diversity to the extent we can achieve it," but that "there are going to be some segregated schools" because of rising numbers of minority children.

The fastest-growing minority group, he noted, is Hispanics. "All you have to do is look at some of the neighborhoods you live in," he told the largely African-American audience – a telling observation about how Hispanic immigrants are filling voids in formerly all-black neighborhoods.

Pughsley was introduced by District 2 school board member Vilma Leake, an African-American who urged her audience to support "this young man" who is "one of us." Recalling his age (65) and 41 years in education that began in the Southwest, Pughsley said, "You don't see many of us in Arizona...."

"I'm very comfortable with myself," he told his listeners, many of them retired educators.

Among the superintendent's comments:

– **Magnets.** Pughsley predicted relocation of some programs in an effort to let proximity enhance their diversity.

– **Overlarge schools.** No school board members want to

## Calendar

### APRIL

- 8** Equity Committee, 8 a.m., Room 414, Education Center
- 10** National College Fairs, noon-4 p.m., Merchandise Mart, 2500 E. Independence Blvd. Representatives from more than 180 colleges and universities to attend. Free admission; parking \$6.
- 11** School board's Policy Committee, 3:15 p.m., Room 414, Education Center.
- 12** School board meets, 6 p.m., Government Center Meeting Chamber. Includes public hearing on staff effectiveness, and staff recommendations on magnets, boundaries and feeder patterns.
- 19** Bond Oversight Committee, 7:30 a.m., Building Services, 3301 Stafford Drive off Wilkinson Blvd.
- 19** Parent meeting on comprehensive review of assignment plan, Waddell High, 6-8 p.m. Subject: Boundaries and feeder patterns.
- 20** School board's Safety Committee, 3:30 p.m., Room 414, Education Center.
- 21** School board's Personnel Committee, 2 p.m., Room 414, Education Center.
- 21** School board's Finance, Capital & Facilities Committee, 2 p.m., Room 414, Education Center.
- 26** School board's Curriculum Committee, 3 p.m., Room 414, Education Center.
- 26** School board meets, 6 p.m., Government Center Meeting Chamber.

### MAY

- 10** School board public hearing on magnets, boundaries and feeder patterns; additional information about priorities.
- 11** School board work session, more discussion of magnets, boundaries and feeder patterns.
- 24** School board vote on magnets, boundaries and feeder patterns.

### JUNE

- 14** School board meeting to include annual staff report on end-of-grade test results and their implications for student assignment.
- 28** School board meeting to include staff recommendation for lottery priorities; annual staff report on end-of-grade test results and their implications for student assignment.

discuss capping enrollments. "Somehow we will have to keep our schools from becoming too large." Concerning responses to the special challenges at over-large schools, Pughsley said, "I have done some, I need to do more and I intend to do more. You," he told his listeners, "need to be monitoring that process" through presence at school board workshops and other meetings, "as opposed to reacting later when the gate has been closed."

– **Achievement gaps.** The gaps "will not close until we can close the teacher gap and the parent involvement gap." Pughsley didn't explicitly say that some

black parents are failing, but he didn't have to because, by the time he addressed achievement gaps, his words had become a "we" and "our" conversation with the African-American audience. He said some students "don't come right, in some cases," to the schoolhouse door. "We have some work to do."

School board discussions touching on black students' home life often turn ugly. "You'd be amazed at the difference your presence makes. Many times things are said that would not be said if you were present."

– **Budget.** "Money and money

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## Lottery and Leandro

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Court Judge Howard Manning, who is overseeing the Leandro school finance lawsuit.

For months in court, Manning has been coyly ignoring the state's failure to meet deadlines for producing financing and other plans to meet the N.C. Supreme Court's decision. Rulings have made clear that it is the state, not the state's local districts, that is ultimately responsible for having a certified, qualified, competent teacher in front of every child.

Dozens of mostly rural school districts, unable to compete with

wealthier urban districts for top staff, find themselves staffing classrooms with permanent substitutes or uncertified teachers. Research cited by the courts indicates that the academic prospects are bleak for any student assigned for three years in a row to underqualified teachers.

The legislature has generally failed to fully fund previous efforts to provide additional support to rural districts, and to urban districts that have a disproportionate number of costly-to-educate at-risk children.

In a report on Leandro, the N.C. Forum reported last week that the supplemental fund set up in the mid-'90s to aid low-wealth

and small districts "is barely half of the original funding goal embraced by the General Assembly." And, says Forum Executive Director John Dornan, most of a recent fund designed to aid disadvantaged students has simply boosted teacher pay in an effort to fill classrooms.

"I'm not faulting the districts," he said. "At the same time, they're not able to add support programs" that many observers expected from the fund.

"It is probably going to take Judge Manning's impatience and another ruling to jump-start this issue," Dornan said after the lottery vote. "Everyone is looking for leadership from someone else."

## A question of fairness

Continued from Page 7

alone is not the answer – but I do need some money," Pughsley quipped. The district's federal and state revenues have been increasing, but the county contribution has been held flat for three years running despite 11,000 new students over that period.

Asked how he would prioritize requests should CMS not receive the full \$50 million he wants from Mecklenburg County, Pughsley said he would say "quality teachers. I wouldn't prioritize beyond that point," suggesting he is trying to avoid a public debate over the relative merits of bonuses, teacher training and other initiatives.

One questioner began, "I don't know whether to commend you or send you a sympathy card."

"I'll take both," Pughsley replied.

On several occasions during his address or during questions, the superintendent expressed frustration with being unable to reach some students. Dropouts are an example, he said:

"Had I dropped out, there would have been a job for me," he said, because America's factories were humming when he was a teen. But of today's dropouts, he said,

## DidYaHear?

✓ You're certainly not a quitter, Supt. Jim Pughsley was told. Most folk would quit in disgust facing the prospect of another student assignment plan that ensured segregated schools. Well, said the superintendent, "Let me just say I keep my options open."

✓ The State Board of Education heard Wednesday of a survey in which more than 90% of parents assumed that N.C. school-children have physical education every day. In fact, only 53% do. Nearly three of four parents said the schools should add such activity, despite pressure to conserve school time for academics.

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"I don't think they fully realize how limited your future will be unless you have a good education."

– **Parent posse:** Hopewell High discipline problems prompted some parents to volunteer to enforce school rules on the overcrowded campus. "I have not granted that permission and I don't intend do," Pughsley said. "What I have done" is to beef up trained security presence. "We have in fact stabilized that school," he asserted.

– **Truancy centers.** With High School Challenge dollars, CMS has hired police officers with arrest powers to vacuum truants off the streets. Students' first stop will be truancy centers, Pughsley said, and the first is already open

at the Amay James Recreation Center at 2425 Lester St., off West Boulevard. Two more may open by the end of the year.

– **EC transportation:** A questioner complained that teacher assistants had been told that if the parents of their behaviorally or emotionally disabled (BEH) students did not agree to carry their students to school in exchange for a transportation stipend from CMS, that the teacher assistants would have to park their cars at students' residences and accompany the students on the buses. "We can deal with that very easily right here," Pughsley replied. "That's the first time I've heard of it. And I don't approve."



# Background material available on *Leandro* case

*The writer is senior fellow and co-director of the N.C. Child Advocacy Institute's Leandro Advocacy Project.*

By **JONATHAN P. SHER**

My guess is that you talk with people who have heard of *Leandro*, but who would not do well on the pop quiz!

Perhaps you have noticed references to *Leandro* that you know are not quite right, but you haven't had the time or inclination to correct them. Or, maybe there are people in your profes-

sional or personal networks to whom *Leandro* remains unknown.

To help you in any or all of these circumstances, we have developed three one-page (front and back) summaries about *Leandro* for you to use, share or distribute free-of-charge. They are: "What the Courts Decided in the *Leandro* Case: A Brief History;" "What the N.C. General Assembly Should Do to Ensure Every Child's *Leandro* Rights;" and "Questions and Answers about the *Leandro* Rights of

Every N.C. Child."

The texts of all three summaries are below. They are available as two-page attachments at [www.nccchild.org/education.htm](http://www.nccchild.org/education.htm).

The N.C. Child Advocacy Institute's Web site contains a wealth of more detailed news, views and background documents – including the two key N.C. Supreme Court rulings.

Please contact me if you have any questions, concerns or suggestions at [jonathan@nccchild.org](mailto:jonathan@nccchild.org) or 919-815-9633.

## What the Courts Decided in the *Leandro* Case: A Brief History

In 1994, a lawsuit was filed against the State of North Carolina by parents, children and school districts in five low-wealth rural counties (Hoke, Halifax, Robeson, Vance and Cumberland). The Plaintiffs (including the *Leandro* family) argued that, despite higher than average tax rates, schools in these counties ended up with lower than average tax revenues. This meant that these school districts did not have enough money to provide an equal education for their children. For example, they could not compete with wealthier school districts in terms of teacher pay, special services or educational materials.

The heart of the Plaintiff's case was the argument that the quality of child's education ought not be dependent upon the wealth of the family and community into which that child was born. It costs more to properly educate disadvantaged children, but the State had not done enough to equalize school funding across NC. The Plaintiff's proposed solution was a higher level of stable funding for these low-wealth counties.

A number of urban school districts were allowed to intervene in the *Leandro* lawsuit. They raised a second and equally important issue. They claimed that their schools were burdened with large numbers and heavy concentrations of disadvantaged and more-costly-to-educate students. Therefore, they argued that the State Constitution requires North Carolina to provide schools anywhere in the state with "adequate" resources to fully educate disadvantaged – that is, poor, special education and Limited English Proficient -- students.

The *Leandro* case made its way to the NC Supreme Court. In 1997, the Supreme Court handed down a landmark decision. A unanimous Court stated that neither school districts nor counties have any constitutional right to equal funding. But the Court went on to rule that children – indeed, all children residing in North Carolina – have a funda-

mental state constitutional right to the "equal opportunity to receive a sound basic education."

Of equal significance, the Supreme Court ruled that the State of North Carolina, not local school districts, has the ultimate constitutional obligation to actively safeguard and successfully deliver every child's *Leandro* right. No exceptions. No excuses.

The Court defined a sound basic education as that which provides children and youth with all the opportunities necessary to become an adult possessing:

1. Sufficient ability to read, write and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society;
2. Sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;
3. Sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and
4. Sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society."

Having found that children have a constitutional right to a sound basic education the Supreme Court handed the *Leandro* case over to Superior Court Judge Howard Manning. He was directed to conduct a trial to determine whether the State of North Carolina had, in fact, failed to provide all children with the equal opportunity for a sound basic education. If so, then Judge Manning was empowered to rule upon the remedies needed to ensure each child's *Leandro* right. Judge Manning held extensive hearings and collected a great deal of evidence in the following years.

Judge Manning issued a series of four detailed decisions, culminating with his Final Ruling in April of 2002. He found that there are many children who are not receiving a sound basic education – and thus, children whose Leandro rights are being violated. He ruled that the State of North Carolina is not meeting its constitutional obligations to all children. Judge Manning concluded that: (1) every child is entitled to have a competent teacher; (2) every school must have a competent principal; and, (3) every school district must have the resources necessary to adequately support these students, teachers and principals.

The State of North Carolina appealed Judge Manning's ruling and the case ended up back in front of the N.C. Supreme Court for a second time. In July of 2004, the Justices once again unanimously affirmed every child's Leandro right to the "equal opportunity to receive a sound basic education". In fact, they were even more explicit about the fact that all North Carolina children – not just those currently enrolled in public schools – have an equal

Leandro right. For example, the Court ruled that the "infant Zoe and the toddler Riley" have the same state constitutional rights as an at-risk high school student.

The Justices upheld nearly all of Judge Manning's rulings and handed the case back to him. Judge Manning's charge now is to ensure that the State implements remedies that bring the State's education system into compliance with the Constitution. The Court's decisions in the Leandro case are now the law of the land. As the Court stated, it is now the responsibility of the General Assembly and Governor to come up with the needed remedies.

As of March 2005, the focus of decision-making around Leandro has shifted from the courts to the General Assembly and Governor Easley. In particular, the NC House and the NC Senate have the constitutional responsibility -- and the legal authority -- to pass legislation and to allocate the additional funds necessary to ensure that every child's right to a sound basic education becomes a reality.

*For information, see box on Page 12.*

## What General Assembly should do to ensure every child's Leandro rights

### Background

In 1994, several low-wealth and urban school districts sued the State of North Carolina arguing that local school districts do not receive fair and sufficient funding as required by the State Constitution. This lawsuit, known as the Leandro case (named after one of the plaintiffs) has resulted in two landmark N.C. Supreme Court rulings—one in 1997 and another in 2004. As a result of the two Supreme Court rulings it is now the undisputed law of the land that every child in North Carolina has the constitutional right to an "equal opportunity to receive a sound basic education."

The Court has made it clear that the State of North Carolina, not local school districts, has the ultimate responsibility to provide students with their constitutionally-required opportunities. Most important, the Courts have ruled that it is now the responsibility of the General Assembly and the Governor to implement significant remedies that correct all the current constitutional deficiencies.

The Governor has not come forward with a comprehensive plan or strategy through which every child's Leandro right will become a reality. The Governor's proposed 2005-07 State Budget includes several laudable, Leandro-related initiatives. Still, his proposal only addresses part of what is needed for the State to comply with the Constitution.

Under these circumstances, the General Assembly now has both the opportunity and the obligation to become the leaders on behalf of the State of North Carolina in crafting a meaningful response to the Leandro decisions. Only the General Assembly has the constitutional authority and responsibility to amend existing laws and to allocate the additional funds necessary to ensure every child's Leandro

rights.

### Five Essential Elements of a Comprehensive Leandro Remedy

The Covenant with North Carolina's Children believes that five principles should guide all Leandro-related legislative initiatives:

1. Measurable Outcomes – The Court provided broad educational goals, but these must be translated into a specific, concrete set of performance yardsticks by which a sound basic education will be measured. In addition to end-of-course tests, schools should be accountable by the General Assembly for graduation and dropout rates. Leandro means no more "throwaway kids."

2. Accurate Costing – The State must determine the amount of money needed to meet its new constitutional obligation to all NC children and youth. While such a cost study never has been done in North Carolina, several other states with Leandro-like court decisions have paved the way. The General Assembly can order such a study as part of a comprehensive State Plan.

3. Sufficient Funding – The link between parental/community wealth and school funding finally must be broken. All children now have the legal right to the funds necessary for them truly to have the "opportunity for a sound basic education". Leandro doesn't put a ceiling on school spending, but it does demand a solid financial floor beneath each child.

4. Inclusiveness – The Leandro decisions do not apply solely to students currently enrolled in public schools. There are approximately 700,000 children across NC who are either too young or who are no longer in school. All 700,000 have the same Leandro right as students in school. Similarly, the "opportu-

nity” needed by many children lies beyond the classroom. If they are being handicapped by poor health or a lack of such basics as eyeglasses or hearing aids, then the State now has a constitutional obligation to provide the help they most need to succeed educationally.

5. Accountability – The General Assembly has the right and the responsibility to put strict accountability measures in place in terms of how funds are spent by schools and what results are obtained.

#### **Recommended Actions to be taken by the General Assembly**

There are major steps that can – and should – be taken during the 2005 Session of the General Assembly. Some will meet immediate needs. Others will lead to longer-term remedies to be addressed during the 2006 Session. The priorities are:

– Provide Major Funding for the Disadvantaged Students’ Supplemental Fund (DSSF). There is a new formula already agreed upon by all parties in the Leandro case. This formula should be enacted into law by the General Assembly and funded statewide at an initial level of \$1,000 per eligible student. This will help students in every school district. School systems should be required to submit detailed plans for how these funds will be spent to ensure the Leandro rights of children, as well as how results will be measured.

– Fully Fund the Low Wealth Schools Fund. This can be phased in over the next two years, as recommended in the Governor’s proposed State Budget. Eligible school systems should be required to submit detailed plans for how these funds will be spent to ensure the Leandro rights of children, as well as how results will be measured.

– Expand Funding for Smart Start and More at Four. This currently is the most efficient and effective way in which to begin to address the Leandro rights of pre-school children across North Carolina. The health and safety needs of these young children should be given the same priority as their intellectual development.

– Provide Additional Expert Advice and Assistance to Schools. Whether this done is accomplished through an expansion of the Local Education Agency Assistance Program or through new contracts with other providers, the goal is to make available more first-rate advice and assistance to schools in meeting their Leandro requirements.

– Replace the Exclusion of Students with On-Going Education. One of the most important implications of the Leandro decisions is that it is no longer constitutionally acceptable to punish children by eliminating their educational opportunities. Students do not have the right to be disruptive. However, they do have the right to a sound basic education in some form at all times. Who provides these alternative opportunities matters less than ensuring that they are provided to all children and youth in need of such alternatives.

– Improve Teacher Recruitment, Professional

Development and Retention. This is particularly important for school districts that are at a relative disadvantage in attracting, developing and retaining teachers. Success here will end the ignoble tradition of the most disadvantaged children having the least qualified and competent teachers.

– Create and Fund the N.C. Commission for a Sound Basic Education. There is not currently a comprehensive statewide, state-level plan for the implementation of the Leandro decisions. It is highly unlikely that such a crucial but complex State Plan will be developed before the end of the 2005 Session. This Commission should be established by the General Assembly as soon as possible and given the resources necessary to develop a first-rate, comprehensive State Plan by the beginning of the 2006 Session.

*For information, see box on Page 12.*

## **Q&A about Leandro rights**

**Q.** What is the Leandro case?

**A.** It is the most important – and least understood – modern legal case in North Carolina that deals with the education and well-being of all children. Basic information is available in other publications of the Covenant with NC’s Children – What the Courts Decided in the Leandro Case: A Brief History and also in What the General Assembly Should Do to Ensure Every Child’s Leandro Rights. These documents and much more Leandro-related information are available free at [www.ncchild.org](http://www.ncchild.org).

**Q.** What did the NC Supreme Court decide in the Leandro case?

**A.** The Court held that every child residing in North Carolina has the fundamental constitutional right to an “equal opportunity to receive a sound basic education.”

**Q.** Who won and who lost the Leandro case?

**A.** The children, families and school districts who filed this lawsuit against the State of North Carolina are the winners. The State of North Carolina lost its major arguments that: 1) the State already is doing and providing everything required of it by the State Constitution; 2) local school districts are entirely at fault if children are not succeeding; and, 3) the State does not have the obligation to actively guarantee that every child actually receives an equal opportunity for a sound basic education.

**Q.** Are there children in North Carolina who are not now receiving a sound basic education?

**A.** Yes. The lengthy trial in the Leandro case documented the fact that a large number and percentage of children have been denied the equal opportunities they needed to succeed educationally. There already are hundreds of thousands of children across North Carolina whose education has been

undermined by factors beyond their control (from unqualified teachers to untreated medical conditions). The extent of the harm already done is reflected in the state's high dropout rate, low graduation rate, the need for remedial education beyond high school and deficient skills in the workplace. Worse, there are hundreds of thousands more children throughout our state who officially are "at-risk" of bad outcomes and who already are behind.

**Q.** Who has the ultimate responsibility to ensure every child receives a sound basic education?

**A.** According to the Court, local school districts have played -- and can continue to play -- a crucial role in North Carolina's public education system. However, the NC Constitution assigns the obligation to guarantee every child's Leandro rights to the State of North Carolina. Thus, both the Governor and the General Assembly -- not just local school districts or the State Board of Education -- have the constitutional responsibility to do whatever is necessary to provide all the opportunities that NC's children need to succeed educationally.

**Q.** What is the current legal status of the Leandro case?

**A.** After more than a decade in the courts and two unanimous NC Supreme Court decisions, the fundamental Leandro rights of children are now the undisputed law of the land. The NC Supreme Court handed the case back to Superior Court Judge Howard Manning to oversee the remedy phase. The Court's role now is to make sure that the Leandro rights of children are actively and successfully being satisfied by the State of North Carolina.

**Q.** Should the Governor and the General Assembly be the leaders in responding to Leandro?

**A.** Absolutely! The Governor and the General Assembly should honor their solemn oaths of office and their most basic responsibility as public officials to uphold and act in accordance with the North Carolina Constitution. The Court has acknowledged that the Governor and General Assembly still have broad discretion to create and implement a comprehensive plan of their own design for implementing the Leandro decisions.

**Q.** Why should the Governor and the General Assembly make Leandro a priority this year?

**A.** There are three compelling reasons for securing new Leandro-related legislation and funding in 2005. First, if they fail to play their assigned leadership roles in implementing Leandro, then there is a risk that the Courts will end up specifically dictating what must be done and spent. Second, if the Governor and General Assembly fail to make major progress on Leandro soon, it is entirely predictable that a wave of new lawsuits -- this time based on children's Leandro rights -- will be pursued against schools, school districts, state agencies and the State of North Carolina. Third, the current problems being experienced by young North Carolinians will become worse, harder to remedy and more costly to the State.

**Q.** Have the Governor or the General Assembly developed a comprehensive Leandro State Plan?

**A.** Not yet. The Governor's and the State Board of Education's responses have been fragmentary and inconsistent. The Governor's proposed State Budget 2005-07 includes several laudable Leandro-related funding recommendations, but they do not add up to a comprehensive or adequate State Plan. The legislature's 2005 Session still is at an early stage and no firm plans have emerged.

**Q.** Will the State's Leandro obligations be fulfilled just by spending more money on education?

**A.** No. Simply providing more money to schools does not guarantee that these new funds actually will advance children's Leandro rights. To meet these new constitutional requirements, the list of "have to" spending begins with a competent teacher in every classroom, a competent principal for every school and adequate teaching and learning resources everywhere. However, the list of "have to" expenditures continues with those services and assistance that children need to eliminate their barriers to a sound basic education (from hearing aids to mental health treatments). In all cases, strict financial accountability, meaningful plans and an evaluation of results must accompany new funding.

**Q.** Does the State have Leandro obligations only to its 1.3 million enrolled students?

**A.** No. The NC Supreme Court was explicit about the fact that every child residing in North Carolina has the same Leandro rights. This includes all the children too young to be enrolled in school yet (the Supreme Court specifically referred to the Leandro rights of "the infant Zoe and the toddler Riley"). It also includes school-aged children who are not, in fact, receiving a sound basic education in school or anywhere else. While disruptive children can be removed from particular classrooms, they cannot be denied equal opportunities to a sound basic education. Since North Carolina is home to more than 2 million children, at least 700,000 of them have Leandro rights but, thus far, no Leandro remedies available to them.

**Q.** Where can the money be found to pay for the State's Leandro obligations?

**A.** The State's General Fund is the logical place from which to pay for any and all constitutional obligations, including Leandro. Providing equal opportunities to receive a sound basic education is a "have to" expenditure for the State of North Carolina. Other programs and services lacking a constitutional mandate -- no matter how worthwhile and desirable -- must be a lower priority within the State's General Fund. "Have to" items must come first."

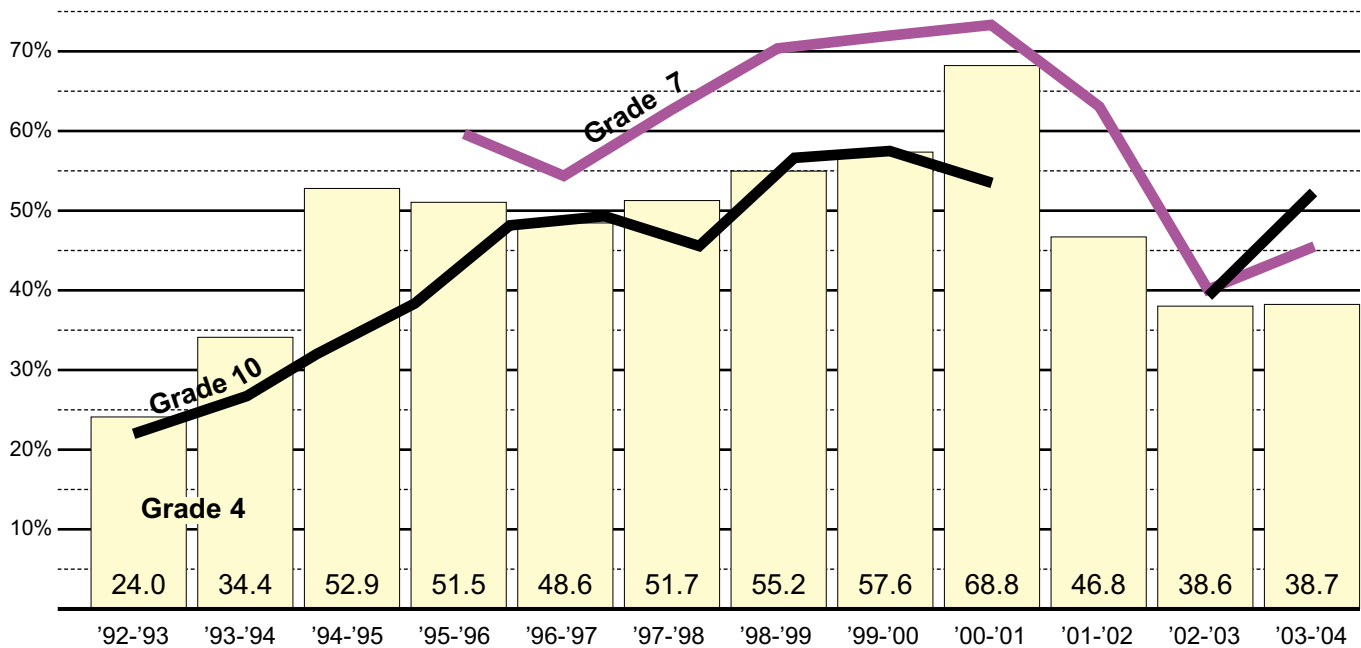
The above material was prepared for the Covenant with North Carolina's Children by the North Carolina Child Advocacy Institute (NCCAI) in March 2005. Additional background information, key official documents and the latest Leandro news and views are available free at NCCAI's Website: [www.ncchild.org](http://www.ncchild.org). As long as proper acknowledgment is made, permission is hereby granted for this Leandro Q&A to be copied, reprinted or quoted for any educational purpose. Contacts: Brian Lewis, the Covenant's Executive Director/Lobbyist, at [brian@nccovenant.org](mailto:brian@nccovenant.org) or at (919) 648-2448; and Angella Dunston, Education and Law Project, N.C. Justice Center, at [angella@ncjustice.org](mailto:angella@ncjustice.org) or at (919) 856-2567.

# N.C. writing scores, grade 4, grade 7, grade 10 over time

Lines and bars below depict the percentage of students scoring at or above grade level on the N.C. writing assessment from its 1992-'93 pilot test inception through 2003-'04. The seventh-grade test was not given before 1995-'96, and the 10th-grade test

was not given in 2001-'02. The 10th-grade scores prior to 2001-'02 are based on an English II end-of-course test then typically taken by 10th-graders.

Between 2001-'02 and 2002-'03, the state altered its writing standard, scale and scoring model.



Source: N.C. Dept. of Public Instruction

## Annual writing test

Continued from Page 1

We've had a history of having writing as part of exit standards in the past, and it becomes somewhat problematic in terms of the retesting opportunities. Writing is the most expensive thing we do other than the scoring of the (alternative assessment) portfolios...."

Fabrizio said administrators were instead focused on making use of the 10th-grade test to identify students who "might need extra writing assistance before

they graduate."

The written report, released in November, was back in the public eye Wednesday at the board's request. But in a hectic day and a jammed agenda, the late-afternoon presentation drew only a handful of questions.

At fourth grade in 2003-04, only 38.7% of students were judged at grade level. At seventh grade, 45.5% were at or above Level III or grade level. At 10th grade, the number was 52.5%.

The writing test is expensive in large part because each essay is read by two graders.

Each reader gives a student's

work from one to four points for content, and from zero to two points for "conventions" – a term encompassing grammar, spelling, word usage and such.

To obtain a final score for each student's work, the content scores are combined, then doubled; then the content scores are added. The total possible scores thus range from 4 to 20.

Scores of from 4 to 7 (Level I) and from 8 to 11 (Level II) are termed below grade level. Scores from 12 to 16 (Level III) and from 17 to 20 (Level IV) are termed at or above grade level.

## Briefly...

**Ounce of prevention:** A Rand Corp. study concluded that a universal high quality preschool program for 4-year-olds in California would return \$2.62 for every dollar spent on education. The Los Angeles Times reported that the study concluded that universal preschool would reduce funding spent on special education as well as reduce juvenile arrests and the number of children held back in school.

[www.latimes.com](http://www.latimes.com)

**Parent role:** A Harlem, N.Y., program launched last school year aims to get African-American Harlem parents to match the parental involvement commonly seen in well-to-do white suburbs. The Boston Globe reported that social workers, academics and the College Board have begun a massive parental involvement campaign which includes going door to door and holding barbeques at PTA meetings with the intent of bringing parents into the schools and becoming more active in their children's education. While studies show that parental involvement has a positive impact on student achievement, some worry that this campaign allows failing schools to shirk responsibility for student failures.

[www.boston.com](http://www.boston.com)

**Pay differential:** The Census Bureau's annual look at educational achievement in America found that African-American and Asian women with bachelor's degrees average \$4,000 more per year in salary than comparably educated white and Hispanic women, the Seattle Times reported. Although reasons for the disparity were not given in the report, possible reasons include more hours worked per week and less time taken off for childbirth by African American women professionals.

[www.seattletimes.com](http://www.seattletimes.com)

**Reviewing zero tolerance:** A

## Rebuilding a father-daughter relationship

*From "Strengthening Father-Daughter Relationships" by Linda Nielsen, author of "Embracing Your Father: How to Build the Relationship You've Always Wanted with Your Dad:"*

"Here is one way fathers and daughters can become more comfortable spending time alone with each other and get to know one another on a more personal level.

"As a daughter, ask your father to choose 10 pictures of himself from different times in his life – especially his childhood and teenage years. Be sure to ask him to include a picture of his father. Then ask him to spend an hour telling you stories about the pictures – in a quiet place where the two of you can talk privately."

– [www.pta.org/parentinvolvement/helpchild/oc\\_fatherdaughter.asp](http://www.pta.org/parentinvolvement/helpchild/oc_fatherdaughter.asp)

movement is underway to relax the zero tolerance policies for school discipline, the Christian Science Monitor reported. The movement appears to be particularly prevalent in Texas, a state known for its strict adherence to zero tolerance. Among over a dozen bills introduced in the Texas state legislature this session is one that requires teachers and administrators to look at the intent of the student rather than the infraction only. Supporters of the loosening of zero tolerance practices cite first-graders suspended for bringing nail clippers to school, among other unintentional violations of school rules.

[www.csmonitor.com](http://www.csmonitor.com)

**Testing science:** Massachusetts State Education Commissioner David Driscoll is recommending that students graduating in 2010 pass an end-of-grade science test before they receive their diploma, the Boston Globe reported. Business and science leaders favor the proposed requirement and assert that schools are failing to focus on science in their curriculum.

[www.boston.com](http://www.boston.com)

**Twin threats:** Researchers at

Duke University found that although juvenile crime and drug and alcohol abuse has declined, poverty and obesity in children has risen since 1975. USA Today reported that although teens are less likely to rebel by taking drugs and have fewer head injuries due to increased use of bike helmets, their overall well-being is about where it was in the '70s due to the increased obesity and poverty.

[www.usatoday.com](http://www.usatoday.com)

**Shifting scores:** Connecticut has one of the most rigorous testing requirements in the nation, but is finding it difficult to measure the progress of their schools, the Hartford Courant reported. The changes required under No Child Left Behind has made comparing tests from year to year difficult. In addition, Connecticut state education officials are concerned that they will now be required to administer tests to third-, fifth- and seventh-graders who in the past were not tested. State officials believe the millions of dollars required for the additional tests is not necessary, and that waivers should be allocated for academically successful states.

[www.courant.com](http://www.courant.com)