

## Making the most of last days of the school year

*What is a teacher to do during the last crazy days of school?*

*The MiddleWeb listserv has hosted such conversations. Much of the banter among teachers is about fear and loathing – about unruly students, about the idiocy of being in school after final grades are due and books have been collected.*

*But a number of teachers have shared their ideas that keep students learning right to the last bus call. A sampling is below; the full text is at [www.middleweb.com/mwlist-cont/msllastdays.html](http://www.middleweb.com/mwlist-cont/msllastdays.html).*

What drives me nuts is the message we send when textbooks are turned in a week before the last day. Why do they do this? We hung onto ours in New York until the last dog died and the Regents' Exams were finished.

I made my kids take a very difficult higher-level thinking test. I did show a History Channel film on cats to develop background for the article that I was going to have the kids read and respond to in the test.

It was a two-and-a-half dayer – the test. They complained about it being “so hard.” I complained that I would not be much of a teacher if I gave an easy test.

We worked on techniques for taking hard tests, rereading, finding synonyms that went

**Continued on Page 5**

# High-stakes poker

## Judge keeps up pressure on legislators for funds, on citizens to renew stake in schools - both in CMS, across N.C. - that fail 'sound basic education' test

The canny tactician overseeing an N.C. schools lawsuit played a new hand this week in a long-running, high-stakes poker game.

Superior Court Judge Howard Manning's apparent goals: Show that reform is needed, but that proven programs are readily at hand; reiterate that action is mandatory; entice legislators to approve the millions needed to make improvements; and then step back – lest essential players not stay in the game.

Such nuances didn't faze the Charlotte columnist who called Manning's “report from the court” nothing but “45 pages of squat.”

In those 45 pages, legislators will find a judicial nudge in support of key bills pending in the General Assembly that would boost school resources in low-

wealth counties and in districts like CMS that have many costly-to-serve disadvantaged youth.

In those pages, Mecklenburg residents will find a tough critique of CMS results. “The most appropriate way for the Court to describe what is going on academically at CMS's bottom eight high schools is academic genocide for the at-risk, low-income children,” Manning wrote.

But in those pages, too, readers will find a strong call “for everyone to acknowledge the high school problem exists, quit running away from the problem and utilize the great resources the State of North Carolina already has in place to solve the high school problem.”

---  
“Report from the court,” Page 8.

## N.C. education: A weather report

I was out of town earlier this week with folks tussling with issues facing North Carolina education. The experience got my old bald head to spinning.

No surprise there: The issues facing education – and the people who feel passionately about them from all sides – are among the most complex I've ever dealt with.

The event appealed to me for precisely the reason many would be disappointed: There were no final conclusions, no universally acknowledged remedies, sometimes not even an agreed-on diagnosis. That made it real – a real barometer of where we are as a state, as a nation, as a people.

### Commentary

Steve Johnston



I heard a lot about curriculum, and some of it was from a new perspective. Consider: Are programs for gifted kids a good thing, or do they just brand the nongifted as cognitively inferior? And if that's one of the impacts, don't such exclusive programs create a vicious cycle in which those not labeled as gifted get less support and even less encouragement – ensuring that the nongifted

**Continued on Page 3**

# Town hall crowd not representative

The writer represents District 6 on the Mecklenburg Board of County Commissioners.

Your summary of the United Agenda for Children misleads folks into thinking that the attendees (of which I was one) were representative of Mecklenburg County (*Educate!*, May 20).

**From Readers**

It was NOT and you do a disservice to your readers to leave them with that impression.

By political affiliation the event was about 70% Democratic and 30% Republican. Most of the Republicans were the moderate "squishy" GOP of the go along-get along variety.

How do I conclude that 70% of the attendees were Democrats? Based on Mecklenburg County voting patterns by race:

Demographic	Meck. pct.	Vote Dem.	Estimate of Dem. attendees
African-American	44%	92%	40.48%
Caucasian	44%	40%	17.60%
Hispanic/Latino	9%	80%	7.20%
Asian/Asian Indian	1%	60%	.60%
Native American	1%	80%	.80%
Multi-racial, other	4%	80%	3.20%
Total			69.88%

The United Agenda for Children event was about as representative of Mecklenburg County as a meeting of the Democratic Party. If you asked the folks there how many of them make their living off of government (husband or wife) or indirectly receive benefits from government programs you would see that the meeting was made up of two groups.

1. Folks that live off of government and want "no money" from it.
2. Folks who are generally rich and see giving away other peo-

ple's money for social programs as a good thing.

The "middle class" who votes GOP overwhelmingly was sadly under-represented. The "solutions" represented were classic Charlotte.

I asked United Agenda to ask about "political affiliation," "ideology or role of government" and "personal reliance on government programs."

I am willing to bet that they won't ask ANY of these questions because Charlotte would rather pretend that the meeting was "representative" than actually admit that it was not.

If you all want to deal with the real issues facing Charlotte, you can't do it by talking to yourselves. Like it or not, the world is full of folks that disagree with you.

Bill James

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

**Finances:** *Educate!* is made possible by individual, corporate and foundation donors. To make a tax-deductible donation, send a check to The Swann Fellowship, 1510 E. 7th St., Charlotte, NC 28204; or, at [www.networkforgood.org](http://www.networkforgood.org), use the keyword Swann Fellowship to make a secure donation.

**Publisher** is The Swann Fellowship, 1510 E. 7th St., Charlotte, NC 28204; 704-342-4330; [swannfello@aol.com](mailto:swannfello@aol.com). The Fellowship, named for missionaries Darius and Vera Swann, was formed in 1997 out of several Charlotte congregations to be a witness to the value of diversity in public education and to educate the public on school issues as they relate to this and allied subjects. The Fellowship is a nonprofit organization exempt under Section 501(c)(3) of the Internal Revenue Code 56-2106776. Financial information about this organization and a copy of its license are available from the State Solicitation Licensing Branch at 1-888-830-4989. The license is not an endorsement by the state.

**Editions:** The Internet edition is free to e-mail recipients, or may be downloaded at [www.educateclt.org](http://www.educateclt.org). To be removed, message [swannfello@aol.com](mailto:swannfello@aol.com). Subscribe at [www.educateclt.org](http://www.educateclt.org). A print edition is available by mail for \$125 a year. First published September 2000; 6-week average circulation through last issue: 3,645.

**People:** Lucy Bush Carter, vice president; Steve Johnston, executive director and *Educate!* editor. Assisting with this edition: Stephanie Southworth.

The Make It Happen Campaign

**Q: Have readers come forward?**

**A: As of Wednesday night, more than 30 have donated. Of those, nearly all have supported this work in the past.**

**That means there are thousands more readers we are waiting to hear from for the first time.**

**Imagine how strong a resource *Educate!* would be with such support! We need you to play a part.**

**As Bob Simmons wrote last week, if not you, who? If not now, when?**

**To make a tax-deductible donation, send a check to The Swann Fellowship, 1510 E. 7th St., Charlotte, NC 28204. Or sign on to [www.networkforgood.org](http://www.networkforgood.org), and use the keyword Swann Fellowship to make a secure donation.**

The Swann Fellowship is a nonprofit organization exempt under Section 501(c)(3) of the Internal Revenue Code 56-2106776. Financial information about this organization and a copy of its license are available from the State Solicitation Licensing Branch at 1-888-830-4989. The license is not an endorsement by the state.

**Donations To Date:  
\$6,813**

**Psst!**

**TurnoffTV  
Tuesdays**

## Big education issues

Continued from Page 1

remain that way?

Some elementary parents are successfully pressuring teachers to certify every pre-kindergartner as gifted, so all the children will grow up with the confidence and skills that such branding brings.

At the other end of the spectrum, the root causes of the achievement gap, I'm told, are gaps in teacher preparation; gaps in home and community support; and gaps in student attendance, whether because the students are absent or because they were shunted into curricular backwaters like suspension programs or alternative schools.

So while teacher expectations may play a key role in student outcomes, the issue is far more complex than that – as any teacher would tell you.

And yet, low teacher expectations continue to play a role. CMS parents will remember this story from Eric Smith's tenure as superintendent in the late '90s: Looking at algebra enrollments, Smith noticed that students who had scored well in preparatory math courses were not enrolled. Furious, he ordered thousands of students reassigned, and downgraded the role teacher recommendations played in course placements. This lesson is still being learned across our state.

We're also adjusting to a challenge of our time: Operating in a diverse society either motivates us to withdraw, or to accept that everybody grows up in a household, learns a set of norms – and that many of the norms are different, if not mutually exclusive.

Many Hispanics have escaped a culture plagued by severe class distinctions. Little wonder that they're disappointed when America turns out to be no better. We still have a chance to do it right with this new influx of immigrants, and welcome them into economic, social and political power. If we don't, we'll repeat the errors made with enslaved

## DidYaHear?

✓ Tuesday's school board budget amendments included finding \$2.76 million for setup and purchase of the first batch of this summer's additional mobile classrooms. The money was moved from accounts reserved for employee positions across the district that were either new and not yet filled, or vacant due to turnover of one kind or another.

✓ At a community meeting Tuesday, West Charlotte Alumni Association member Mary Brooks mentioned that the high school has some students facing end-of-course testing who cannot read the test. She is looking for volunteers to read the tests to the students on test days. National Association of Gifted Youth President Sharon Bennett told Brooks, "There was a man who walked this Earth years ago. It was him and 12 others, and the effects are still being felt. If he could do it with 12, through the same power you can change this world too." "That's good," Brooks replied, "because that's all we've got."

✓ At 8:25 p.m. Tuesday out on the Government Center sidewalk, a passerby asked where he could find the school board meeting – and was nonplussed to hear that the meeting had long ago adjourned.

– Send intelligence to [swannfello@aol.com](mailto:swannfello@aol.com)

Africans hauled to these shores hundreds of years ago.

Educators are challenged by the spectrum of talents and backgrounds in today's school classroom. But within those walls, or on the playfields dotted with mobile classrooms, children are getting to know one another as people, not as stereotypes. There's strength, and ultimately peace, in those exchanges.

Back in the Great Depression, economic realities forced this state to consolidate school districts. The decision inoculated North Carolina from the rigid racial and economic school segregation found in many urban areas. Immigrants from the Northeast, Midwest and West now want such segregation here. I hope one day they come to respect, if not value, North Carolina's way.

North Carolina's way has also combined local autonomy with a state-level capacity to act that sometimes is the only way to make the proper thing happen in all localities.

Granted, state-level officials are better at handing down additional

resources that local officials can use to fix problems than they are at judging what local officials should do to implement education commitments made by the state.

Example: It is clear that educators must respect all children if they are to be successful. I'm not sure the state holds local educators responsible for showing respect.

It's a sad commentary, but it could be said, that today's schools prepare minority students to survive in a world dominated by a racial hierarchy in which they are undervalued.

The public has a "don't-bother-me" attitude about school integration right now. Perhaps that's because the lawsuits of the '60s and '70 transferred responsibility for the entire issue to the federal courts. Perhaps local communities will once again take ownership. It shouldn't take a harangue like this week's from Judge Howard Manning to remind us that the achievement gap still has a strong racial component.

Indeed, in some N.C. communities, blacks will oppose passage of

Continued on Page 4

## Big education issues

Continued from Page 3

school bonds until power over school decisions is redistributed to include the interests of minorities and poor people.

But legal briefs won't change the world. Only people united behind an idea will change the world.

Whatever the legal environment, the gains made in creating an open, welcoming society are now at risk in part because many African-Americans and Latinos are not persuaded that the gains have made much of a difference.

But an earlier generation forced into segregated schools and prepared only for a segregated, inferior life was appalled at the injustice of the situation. Why, in 2005, are we not appalled that, despite changes in the law, some children still face inferior schooling that will consign them to similar circumstances?

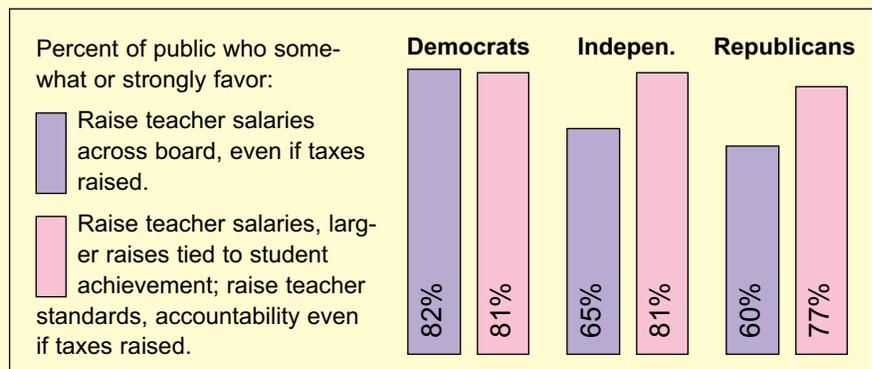
Who is discussing the moral dimensions? Who is pointing out that those who place more value on preserving their quality neighborhood schools are ignoring the price paid by poor children – many of whom across this state have no similar opportunities in their neighborhood schools?

Why must the Leandro case's insistence on a "sound basic education" for every child be a state right? Why isn't it a good thing for all Americans, and worthy of protection by the federal government?

In the late 18th century, North Carolina committed itself to universal education. For decades it was nowhere near universal, and the civil rights era rightly challenged that failure. But who today is championing the case of universal education for those still left out, particularly children with special needs? This is a fight for the soul of the state.

*Brown vs. Board of Education*, of course, never dealt with class. Perhaps today we can, here in Mecklenburg as well as across the state.

## Accountability key to support for higher pay



From "Americans' Commitment to Quality Teaching in Public Schools: Findings from a National Survey Conducted by Hart-Harris for The Teaching Commission":

"Two parallel questions, each asked of one-half the survey sample, provide strong evidence that public support for paying the costs of higher teacher salaries is enhanced if higher pay is linked to teacher performance and other accountability measures. The link between higher teacher pay and expanded accountability is the centerpiece of The Teaching Commission's agenda. Seventy percent of adults favor a proposal to raise public school salaries across the board, even if it requires higher taxes. Support grows to 80%, however, when the proposal is amended to provide 'larger increases for teachers who improve student achievement, raise teaching standards, and increase accountability for teachers.'

"Even more important is how support increases when accountability is added to the mix. A combination of higher pay and accountability has far broader political support, a key factor in the legislative viability of moving reform forward. As the [graph above] illustrates, Democratic voters will support higher pay with or without accountability (82% with accountability versus 81% without accountability); however, adding accountability causes support for higher pay to surge by 16 percentage points among independents (65% to 81%) and by 17 points among Republicans (60% to 77%). Similarly, voters in rural areas become much more enthusiastic when pay is linked to accountability (66% to 82%). And although people for whom education is a top priority strongly support either version of higher pay (80% and 86%), for non-education-focused voters adding accountability raises support by 14 percentage points (from 62% to 76%). Clearly, linking teacher pay hikes to greater teacher accountability expands the constituency for paying the cost of improving teacher compensation.

"Among teachers, this pattern is reversed. Although 86% of teachers favor an across-the-board increase in teacher salaries, support falls to 55% – still a majority – when higher pay is linked to raising student achievement and other accountability measures. This lower support level demonstrates teachers' concerns about linking pay to student achievement. Teachers would consider such a link, however, when it is part of a larger reform package that also includes across-the-board teacher salary increases. In addition, the fact that accountability helps broaden the public support needed to make higher pay a reality may itself help persuade more teachers to embrace an agenda marrying higher pay to accountability."

– [www.theteachingcommission.org/press/pdfs/pollreport-final.pdf](http://www.theteachingcommission.org/press/pdfs/pollreport-final.pdf)

## Last days of the year

Continued from Page 1

with key words in the questions, eliminating the obvious, and kicking thinking up a notch. They got it. It had to help them prepare for the ISTEP Test which will face them in September, gave them strategies.

The last full day that I had them, we worked on mythology in the morning, and in the afternoon we went to the Indy Isle pool attached to our school for a free swim. We felt that this was better than a field day as they were contained and had extra supervision.

I had a really wild, unruly, and often cruel group of kids. The kids did well, got a few snacks, and went home on the bus exhausted from the water.

I am still wondering about teachers who did grades two weeks prior to mine. I did them the day before the last day and a lot of teachers were angry with me for not having them done. I had a test to grade ... and it really showed growth.

The scores of the kids increased 50 points, for an average of 69%. Initially, yup – they averaged 19% on a similar test.

All and all, I am glad I taught until the last dog died. That is what their parents are paying me to do, and that is what I always do....

– Deb

– – –

Last year I had timed the last week of classes such that we were viewing the middle portion of Tom Hanks' movie Castaway. This followed up an end-of-the-year survival group project. The kids were mesmerized – and QUIET! I purposely only showed the survival part of the video, though, not the love story part.

– Joanne

– – –

Our last day of school was on May 23rd. Since our students did so well on their state test, we had a first ever Haas TAAS Fun Day! All students went to their first period class for the first hour to

tie up loose ends such as turning in lost and found lockers, paying fines, finishing up exams etc. Then from 10 to 12 we turned them loose to roam the campus attending any activities that they wanted.

We had basketball and volleyball in the gym, soccer, kickball, sack relays, tennis, bungee run, and a dunking booth outside on the fields. Inside we had computer games in two rooms, make and take arts and crafts, chess tournaments, and a movie in the library.

We also had a dance with a DJ in the cafeteria along with face painting, popcorn, snow cones – the day was nice and hot for them, sodas, and free prizes for those students who participated in any of the outside activities, and PTA sold candy. They were the only group to sell; the rest was free to the kids.

We let them pick up sack lunches prepared by the cafeteria for them to eat and picnic until 1:00. The afternoon was spent watching a movie in their first period classrooms. They were so tired from playing all morning that some of them even fell asleep. We had no fights, no shaving cream, no mess, no fuss, and no disturbance of any kind. The only problems we had were two of our grumpy teachers whom we had to strongly encourage to go help monitor in the cafeteria.

It was so successful that we are going to make it and our Rally a yearly event for the students to earn and anticipate.

– Melba

– – –

I have them write a letter to the incoming sixth-graders, giving tidbits of insight, advice, and info. Then they do a bit of an evaluation – plus help with the house-keeping tasks.

– Deb

– – –

This is another “systems” situation, that most of us fall into, and as a participant of that, I want to push us to think about how we could do it differently because many or all of us do much less the last week of school than we prob-

ably should.

Again, I think it is up to the school leadership to expect that learning continues even on the last day the buses run....

Looping (teachers moving on with the same kids to the next grade level) somewhat helps this situation because teachers are teaching for the next year, even on the last day of school, because they will have the kids again. If we really audited our time, are we really doing all we can do to reach the needs of kids within our school calendar? We complain about how much the state-mandated tests take out of our instructional time, but then we show movies, declare no homework, etc., during the last week or so of school.

As a principal, it was hard for me to explain to parents why they should send their students when “we weren't doing anything anyway,” and as a parent myself, it was hard for me this year to feel comfortable with her going the last few days when they started cleaning their room the first of that week.

All that said, here's somewhat of a solution we came up with after the first year I was principal. That year, we had 85% attendance the last day; I turned it in that way and the DPP questioned how that could happen. I learned later that most principals just declare 100% attendance that day – how green I was!

But, here's what we did the next year. Our students take finals in half of their core subjects each semester and in their related arts classes at the end of year class. The finals count two test grades. Because we were on teams, we could schedule the core tests in homeroom once a day, approximately the last two or three days. They took their related arts test whenever their class was scheduled. After that, we had seventh-grade awards the next to the last day of school. (We go half-days the last two days for the middle school and high school to cut down on bus and school negative

Continued on Page 6

## Last days of the year

Continued from Page 5

behavior) and seventh-grade field day the last day, after the final. Then, the students went home.

For eighth-graders, we had the traditional "Eighth Grade Breakfast" and motivational speaker after the final the next to last day. Awards Day the last day, after the final, and the students went home.

The last two weeks of school, we had a school-wide interdisciplinary unit one year, called Decades. Each eighth-grade team picked a decade after WW II because that is in the high school curriculum and the seventh grade did too; in reflection, they should have picked a decade in the eighth grade curriculum to get them a jump start on next year.

Students created dramatic presentations, etc. It was a school-wide effort and the "Decades" presentations actually took place one or two days before finals. That was the last year I was there, and I think they have continued that practice since then.

I am surely not here to say we found all the answers. It's still not perfect. Kids and their families still question if we will be "doing anything tomorrow," but we don't have movies going on anymore and the clean-up time starts a lot later, etc.

And, by the way, discipline and student control is much better because the students see a purpose for being at school and they are, for the most part, engaged....

– Michelle

– – –

We take our kids here in Windsor, Colorado up to the mountains for the day. We go to Lory State Park, a ranger speaks to us about the wildlife to look out for, then we go on a 2-3 hour hike, return to the site for a barbecue and some volleyball/water fights. It is the BEST way to spend the day!

– Amy

– – –

We do community service work.

The local nursing homes always want cards, we have had kids make up games for elementary school kids... one group did a neat board game.

The kids stay busy, constructive, help others... and you end the year with a little of your hair left.

– Caron

– – –

While I appreciate your concern over keeping them from driving you and themselves nuts during the rest of the week, I encourage you to consider some other way than showing movies to engage your students.

There are 9,999 other experiences that are engaging and active that we can provide students other than something so commonly done at home and so passive as watch videos or television. Sitting around watching movies is a waste of time that we don't have, and it doesn't promote the kind of thing we want happening in middle schools. Please consider doing one of these other ideas.

We should be doing things in our middle schools that we can only do when we are together in the classroom, even during free time of exam week. Here are 21 ideas that might be more substantive and developmentally appropriate for the goals of our schools:

1. Board games.

2. Word games (Taboo – have students make up the cards based on this year's curriculum, Word Mastermind, \$25,000 Pyramid, for examples).

3. Write and shoot a short video about a topic from the year.

4. Write and perform skits/scenes from this year's content.

5. Dress as historical figures and have them debate modern world issues.

6. Paint a wall in (or outside) the school that expresses the curriculum or students' unique nature.

7. Establish a Web site devoted to a school-related topic.

8. Record books on tape for younger students, homeless shel-

ter residents, nursing home residents.

9. Community service, service learning.

10. Build benches for the school's courtyard or grounds.

11. Plant bushes, trees, flowers on the school property.

12. Write letters to hospital patients that will be placed on their food trays (You or a parent can take them over there after school one day).

13. Write letters to themselves that you will send them one year from now.

14. Set goals for next year.

15. Write letters of advice to next year's students who take your course.

16. String art designs.

17. Other craft work that allows them to express your content but also their individuality.

18. Evaluate your class and their learning with you.

19. Conduct a Socratic Seminar.

20. Lateral-thinking puzzles or something similar.

21. Hold a fun contest of some sort in which students problem-solve or work in teams.

There are plenty of inexpensive routes and supplies to keeping students engaged in something substantive at the end of the year. It might mean preparing next fall for the end of next year, but it can be done very easily. Don't give up on those alternative ideas because you're feeling swamped this week. Taking the students outside for a break is definitely a great move – fresh air, movement, and time to interact. This isn't lazy; it's sound practice!...

The move from eighth grade to ninth grade can be very traumatic. The transition turns many students (and teachers) nostalgic. Anything we can do to help them see how far they've come as well as the new worlds they are about to explore is a good use of time – and very compelling to middle school students....

– Rick

## Briefly...

**Lowering sights:** In an effort to reduce high school dropouts, Ontario schools are decreasing many of their math requirements for students who do not intend to go on to four-year universities, the Toronto Star reported. They intend to make math more relevant and remove subjects that are too abstract for many teens, such as analytical geometry. Concepts such as check-writing and cell phone bills will be integrated in the courses to make them more relevant to students.

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

**Virtual field trips:** A study conducted by Maryland Public Television (MPT) found that online field trips increase middle school students' reading levels and test scores, eSchoolNews reported. The study looked at 400 seventh- and eighth-grade students in two Maryland middle schools. Students using the field trips, which are provided free from MPT, scored higher on reading comprehension tests than those who were taught with traditional methods.

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

**Dropout prevention:** Over the past five years, 100,000 students have dropped out of Indiana high schools, the Indianapolis Star reported. In an effort to cut the dropout rate, Indianapolis is following in the footsteps of other large districts such as Los Angeles by creating smaller high schools. It is hoped that small schools will keep students from falling out of sight of teachers.

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

**Back to word lists:** Direct spelling instruction is making a comeback, the Christian Science Monitor reported. Although the type and amount of spelling instruction varies, many districts are adopting specific spelling curricula to increase spelling competency. The whole language movement that began in the 1980s

## Calendar

### MAY

**31-1** School board members in training with Broad Institute consultants, Leadership Academy.

### JUNE

**26-July 1 or July 31-Aug. 5** "Anytown Summer Leadership Program for high school students, first week at Blowing Rock Assembly Grounds, Boone; second week at Kanuga, Hendersonville. Register by June 1. Fee of \$350 includes transportation; financial aid available. Information: Alex Wagaman at 704-334-0053 or [awagaman@nccj.org](mailto:awagaman@nccj.org)

**29** School board meets, 6 p.m., Government Center (Moved from June 28).

### JULY

**10-14** "Bring It On: Rising to Meet the Challenge of High School," an NCCJ residential summer program for rising ninth-graders, held at The Summit at Browns Summit, N.C. Register by June 10. Fee of \$300 includes transportation; financial aid available. Information: Alex Wagaman at 704-334-0053 or [awagaman@nccj.org](mailto:awagaman@nccj.org)

**20** School board meets, 6 p.m., Government Center (Moved from July 26).

assumed that children would pick up spelling through reading, but educators are finding that direct phonics instruction is important in increasing spelling skills.

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

**Training flaw:** Studies conducted by the Washington-based American Enterprise Institute found that many graduate school courses and textbooks fail to adequately prepare prospective principals, the Washington Times reported. Many graduate students are not taught the importance of removing ineffective teachers from the classroom or strategies for faculty management.

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

**Parent ed:** The Miami-Dade County school board is considering a proposal that would offer free life-skills classes for parents, the Miami Herald reported. Many classes aim to help parents help their children in school. Others cover life skills such as how to prepare a nutritious meal and how to use the Internet. The program, if approved, could eventually include technical classes leading to jobs as classroom aides, as mechanics or in other trades.

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

**Curbing costs:** Indiana Gov. Mitch Daniels is taking a closer look at school construction and enhancement costs, the Indiana Star reported. School construction projects that place sports facilities above academics or are over the national average will be scrutinized. Daniels asserts that if construction stayed within the national average, it could have saved taxpayers \$466 million over the past two years. Average state costs run about 15% over the national average.

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

**You're out!:** A nationwide study by Yale researchers found that preschoolers are being expelled at three times the rate of older students, the Washington Post reported. Children are expelled more in for-profit preschools. Expulsions are less likely when teachers have training in dealing with behavior issues. The survey set the preschooler expulsion rate for behavior problems at 6.67 per 1,000 students. Childcare experts believe that more support for teachers and students in the form of training and student access to counselors could decrease preschool behavior problems.

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

# Judge explores ‘The High School Problem’

## Many schools do well, Manning finds; resources that make a difference listed

*Tuesday afternoon, Superior Court Judge Howard Manning issued his latest “report from the court” in the long-running Leandro school finance adequacy lawsuit.*

*The text recaps Manning’s conclusions based on a March hearing that focused on Charlotte-Mecklenburg’s dismal end-of-course test results. It lists a wealth of programs and nonprofit resources that have helped districts boost achievement. Manning also lists as a resource the legislation pending in the General Assembly that would begin ramping up efforts statewide to bring disadvantaged students to grade level.*

*Following is the text of Manning’s ruling. The text has been edited for style (the judge doesn’t much believe in commas or hyphens). Legal citations have been dropped. And data, presented by the judge in sentence format, appears below, whenever possible, as charts, in the interest of the shortness of space.*

The North Carolina Supreme Court’s decisions in Leandro I on July 24, 1997 and Leandro II on July 30, 2004, set in stone, once and for all, the following tenets relating to the Constitutional guarantee to each child of the right to an opportunity to obtain a sound basic education:

**FIRST:** We conclude that Article I, Section 16 and Article IX, Section 2 of the North Carolina Constitution combine to guarantee every child of this state an opportunity to receive a sound basic education in our public schools. For purposes of our Constitution, a “sound basic education” is one that will provide the student with at least:

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 and 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....

**SECOND:** Article I, Section 15 and Article IX, Section 2 of the North Carolina Constitution, as interpreted by Leandro, guarantee to each and every child the right to an equal opportunity to obtain a sound basic education

### ABBREVIATIONS

<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

requires that each child be afforded the opportunity to attend a public school which has the following educational resources, at a minimum:

First, that every classroom be staffed with a competent, certified, well-trained teacher who is teaching the standard course of study by implementing effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in that classroom.

Second, that every school be led by a well-trained competent Principal with the leadership skills and the ability to hire and retain competent, certified and well-trained teachers who can implement an effective and cost-effective instructional program that meets the needs of at-risk children so that they can have the equal opportunity to obtain a sound basic education by achieving grade level or above academic performance.

Third, that every school be provided, in the most cost effective manner, the resources necessary to support the effective instructional program within that school so that the educational needs of all children, including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.

**FOURTH:** That a child who is showing Level III (grade level) or above proficiency on the State’s ABC tests, End of Grade (EOG) or End of Course (EOC), is obtaining a sound basic education in that subject matter AND that a child who is not showing Level III proficiency (performing below grade level) on the ABC tests is not obtaining a sound basic education in that subject matter.

**FIFTH:** That a showing of Level III proficiency is the proper standard for demonstrating compliance with the Leandro decision.

**SIXTH:** That a child who is performing below Level III is “at-risk” of not obtaining a sound basic education.

**SEVENTH:** That there are children “at-risk” of not obtaining a sound basic education located throughout

the State of North Carolina and those children's needs are similar whether they live in a rural or suburban area.

**EIGHT:** That the State must assume responsibility for, and correct, those educational methods and practices that contribute to the failure to provide children with a constitutionally-conforming education.

**NINTH:** That when the State assesses and implements plans to correct educational obligations in the face of a constitutional deficiency in an LEA, or particular school, the solution proposed must ensure competent teachers in classrooms, competent principals in schools and adequate resources to support the instructional and support programs in that school so as to be Leandro compliant.

**TENTH:** Local School Systems (LEAs) are entitled to funding by the State sufficient to provide all students, irrespective of their particular LEA, with, at a minimum, the opportunity to obtain a sound basic education.

The Supreme Court ended its decision in Leandro II with the following:

This Court now remands to the lower court and ultimately into the hands of the legislature and executive branches, one more installment in the 200-plus year effort to provide an education to the children of North Carolina. Today's challenges are perhaps more difficult in many ways than when Adams articulated his vision for what was then a fledgling agrarian nation. The world economy and technological advances of the twenty-first century mandate the necessity that the State step forward, boldly and decisively, to see that all children, without regard to their socio-economic circumstances, have an educational opportunity and experience that not only meet the constitutional mandates set forth in Leandro, but fulfill the dreams and aspirations of the founders of our state and nation. Assuring that our children are afforded the chance to become contributing, constructive members of society is paramount. Whether the State meets this challenge remains to be determined.

**THE HIGH SCHOOL PROBLEM**

Upon remand, the Court determined that further proceedings on this case were necessary, initially at least, on two separate subject areas. The first was the failure of the General Assembly to fund the DSSF program for some 16 LEAs with recognized educational resource deficiencies requested by the State Board of Education and DPI. The second was to hold hearings to provide the State of North Carolina with the opportunity to provide the Court and parties with information as to how it plans to assess and address the constitutional deficiencies still present throughout North Carolina's public schools.

The Order regarding these hearings was filed on September 9, 2004. In that Order, the Court observed that the State of North Carolina had made commendable progress statewide, as evidenced by

the ABC data for 2003-2004 in terms of overall progress in grades K-8.

However, a cursory review of the ABC data for high school academic performance showed that much improvement remained to be made once children leave the eighth grade and enter high school.

In October, 2004, the Court requested and received the 2003-2004 ABC composite scores for all N.C. public schools compiled by LEA. These scores were not provided in disaggregated form but merely reported the composite for each school in each LEA.

The ABC data showed the following statewide data for 625 elementaries, 371 middle schools and 326 high schools.

<b>Performance Composite:</b>		<b>Elem.</b>	<b>Middle</b>	<b>High</b>
90+	School of Excellence	342 55%	105 28%	10 3%
80-89	School of Distinction	225 36%	198 53.3%	107 39%
70-79	Mediocre to Better	50 8%	51 13.7%	107 39%
60-69	Not Good to Mediocre	7 2%	15 4%	54 16.5%
50-59	Not Good to Bad	1	2	28 8.5%
40-49	Very Bad	0	0	12 3.6%
-40	Very, Very Bad	0	0	8 2.4%

With over 90% of our elementary schools at or above the 80% composite mark, it is quite evident that great progress has been made and is being made. The same can be said for the middle schools at 82% at or above the 80% composite mark.

However, the high schools are a completely different matter, with only 32% of the high schools at or above the 80% composite mark.

The Court is also aware of the high school dropout problem and the large numbers of children who enter the ninth grade and fail to graduate four years later. The dropouts don't take the tests at all. Accordingly, the Court is going to focus on the composite scores and the progress of those who remain in high school.

Put any spin on it you want, the raw data on high school performance on the ABCs is not good. In the Court's opinion, a performance composite for a high school below 70% mandates a "look back" at the disaggregated data in that school for 2002, 2003, as well as 2004 to determine whether the performance trend is up, down, or stagnant.

In 2004, North Carolina had 102 of its high schools below 70% composite and, of that number, 48 high schools were below 60% composite. Twenty of those high schools were below 50%.

**The Charlotte-Mecklenburg High School Problem Comes to Light**

When the Court reviewed the Charlotte-Mecklenburg Schools ("CMS") performance composite scores, the high school composite scores jumped

out like a "sore thumb."

CMS supports its schools financially at a rate of \$2,403 per ADM, according to the latest financial data from the Public School Forum. At 20 students per classroom, this translates to \$48,060 in local support per classroom.

CMS has 17 high schools and spends millions of dollars to support them. Yet, the 2003-04 performance composites were disturbing.

Six CMS high schools had performance composites below 50%, meaning that out of all of the EOC tests taken in each of those six high schools, less than 50% of the students taking the tests were performing at Level III, the minimum score to show that the student taking the test was performing at grade level and obtaining a sound basic education: West Charlotte (31%); Phillip O. Berry (45%); Garinger (45%) West Mecklenburg (48%) E.E. Waddell (45%) and Vance (49%)

Two CMS high schools had performance composites in the low 50s: Independence (51%) and Olympic (53.5%).

North Carolina had 48 high schools below 60% proficiency in 2003-2004. CMS had eight of those high schools (16%).

Four CMS high schools had performance composites in the 60s: Harding University (61%); Northwest School of Arts (68%); East Mecklenburg (63%) and Hopewell (68%).

In sum, 10 out of 17 CMS high schools had composite scores below 70% and only one CMS high school had a composite score above 80%: Providence (85%). Six were in the 70s.

In contrast, Wake County Public Schools, the second-largest school system in the state, had 16 high schools. Twelve out of 16 had performance composites above 80% (2 above 90%).

The Court also noted that two mid-size Eastern North Carolina LEAs, Craven (14,299 ADM and \$956 local funding) and Onslow (21,254 ADM and \$1,088 local funding) had their high schools on an upward spiral in terms of performance composites.

Craven County's three high schools had composites of 88.3% (Havelock), 84.9% (New Bern) and 86.9% (West Craven) in 2003-04.

Onslow County's seven high schools had composites of 84.2% (Dixon); 82.9% (Jacksonville); 87.8% (Northside) [Northside has been open three years and has a 60+% black student population with between 40% to 50% free and reduced lunch population. Its proficiency composite has gone from 69.7% in '01-'02 to 87.8%, the highest in the county]; 82.9% (Richlands); 82.4% (Southwest); 83.2% (Swansboro) and 84.2% (White Oak) in 2003-'04.

The comparison and contrast to CMS's high school performance was stunning. The Court and the record in this case needed to know how these systems were being successful with less money while CMS was failing to be successful with two-thirds of its high schools.

On Nov. 10, 2004, the Court sent a memorandum

**ABBREVIATIONS**

<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

to counsel, with copies to the Governor, Legislative Leadership, and the Superintendent of Public Instruction and Chair of DPI, advising them of the CMS high school scores and that it appeared that this data when compared with Wake County's outstanding high school performance, and that of Onslow and Craven, indicated a management problem in CMS arising out of the allocation of resources to those schools in terms of competent principals, teachers and resources to support a Leandro-compliant educational program.

On Dec. 3, 2004, the plaintiff-intervenors filed a response to the Court's Nov. 10, 2004, Memorandum which raised issues about CMS's high schools. Included with the filing was a Memorandum dated Nov. 19, 2004 from Dr. James Pughsley, Superintendent of CMS. Dr. Pughsley acknowledged that there were "no excuses" and that the CMS high school EOC scores "are unacceptable and must improve dramatically."

Although Dr. Pughsley had acknowledged "no excuses," his memorandum contained eight pages of reason(s) why CMS was doing so poorly when compared to Wake County, including higher poverty population, high teacher turnover, etc. and cited the need for more money and qualified teachers.

In December 2004, in connection with a hearing over the DSSF and the State Board of Education's progress in planning to meet the requirements of Leandro, the State Board provided the Court with an Executive Summary which stated in pertinent part:

"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 stu-

dents. Among other programs, the Governor, the State Board of Education and the General Assembly have recently created and funded the following:"

In this list was:

"The New Schools Project to reform high schools."

This project was described as follows:

"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 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.

"This Project has begun by investing in the creation of eight 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 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."

As a result of its review of CMS, the Pughsley memorandum and the rest of the State's high school performance composites, the Court determined that it would be appropriate to hold a non-adversarial evidentiary hearing in which the Court would take evidence about CMS's high school problem and take evidence on high school reforms and best practices that are available to correct such dismal performance that was evident throughout the State, especially in CMS.

The Court served a notice of the hearing on Jan. 19, 2005. The hearing was scheduled for March 7, 2005. The Court and parties would discuss the "agenda" at the Feb. 15, 2005, regularly scheduled hearing on the status of the State's plan for Leandro compliance. The hearing would also focus on programs that are available to improve student performance and high school performance. One low-cost, effective program to help high school students succeed, graduate and go to college is AVID.

### **AVID**

#### **Advancement Via Individual Determination**

At the Feb. 15, 2005, hearing, the Court asked Susan Lamar, State Director of N.C. AVID to make a presentation about the AVID program and its purpose in terms of assisting high school students to prepare for college eligibility.

AVID is a fifth-grade through high school program to prepare students who are performing at the middle of the pack for college eligibility. The typical student is one who would be the "first" to attend college

in their family, low income and capable of completing a more rigorous academic course of study.

AVID students are enrolled in the toughest courses, including AP, and they attend an elective AVID class taught by a trained AVID teacher. The three chief components of the program are academic instruction, tutorial support and motivational activities. AVID is based on writing as a learning tool, inquiry method, collaborative grouping and academic reading.

AVID is a relatively low-cost program to implement. For example, the first-year cost for a high school site, including staff development for the AVID team, is less than \$20,000 to serve some 30 students. As the program continues, the costs per student decrease.

For the 2004-05 school year, AVID programs are in place in one or more middle and/or high schools in Asheville City, Catawba County, Chapel Hill-Carrboro; Charlotte-Mecklenburg; Craven County, Cumberland County, Dare County, Durham Public Schools, Gaston County, Lenoir County, Nash-Rocky Mount, New Hanover, Newton-Conover City, Onslow County, Pitt County, Wake County and Wilson County public schools.

On March 3, 2005, the Court entered an Order regarding the scheduling of matters at the March 7, 2005. The first order of business was to conduct a hearing on the plaintiffs' motion to require the state to show cause why it has not adopted a plan in response to Leandro hearing and the second was to initially address the problem of poor academic performance in high schools throughout North Carolina and to receive evidence about policies, practices and programs that work in high schools that can be used as solutions for poor academic performance throughout North Carolina.

The March 7, 2005 hearings were evidentiary. Each party was permitted to examine each witness. Documentary evidence was also presented to the Court. The testimony and documentary evidence are part of the record in this case. Accordingly, the Court will not rehash all of the testimony and evidence presented during the three days of hearings. A brief recitation of the credible evidence received will suffice:

Dr. Tony Habit, Executive Director of The North Carolina New Schools Project testified. He gave an overview of the New Schools Project in North Carolina and the need for high school reform. The Court gleaned the following information about High School Reform from Dr. Habit and written materials provided about the New Schools Project.

#### **High school reform in North Carolina is necessary**

High school reform in the United States and North Carolina is necessary. The high schools of today have not changed significantly since the formation of "comprehensive" high schools almost a century ago in spite of the fact that the dynamics of

work and society are now dramatically different.

High schools are large. Many have more students than a small college. A great many North Carolina students who come to the unchanged high school setting of today as ninth-graders do not stay in school until the 12th grade.

Many N.C. high schools lose almost half of their ninth grade before graduation [and] 11% entering the UNC system were enrolled in remedial courses in order to prepare them for college-level work. In 2000, 38% of students entering the N.C. community college system were required to take remedial math and 26% were required to take remedial English.

The bottom line is that there is a great need for change in North Carolina's high schools. The ABC testing scores, coupled with the remediation rates in college and the lack of graduation in four academic years, is clear indication of a problem in the high schools in North Carolina. High school reform such as the New Schools Project is available as a resource for North Carolina.

There is a wealth of evidence that the "one size fits all" comprehensive high school no longer serves all of its students effectively and, as a result, fails to prepare a great number of its students for the rigors of today's workplace environment and higher education.

The New Schools Project ("NSP") is a public-private partnership that reports to the N.C. Education Partnership, a committee composed of the leaders of the K-12 and higher education sectors of the State.

The NSP was backed by an \$11 million grant from the Gates Foundation. The NSP will award grants and provide support to create over 100 small high schools across North Carolina. These high schools are designed to serve as models for academically rigorous curriculum to prepare all students for work and college.

The clear intent of the NSP is to engender dramatic structural change as opposed to supporting a "program." NSP's essential thrust is straightforward; in order to improve public high schools everywhere, individual schools must be encouraged and assisted to invent and implement more effective means of serving students. The successes of these schools must be sustained, their processes must be supported and their new structures for success must be replicated.

The focus of the NSP initiatives is the individual school, but the intent over time is to re-invent high school education in North Carolina.

The Court notes that there are also other approaches to high school reform that exist and are available. North Carolina DPI has a program entitled High Schools that Work that has been available and has shown promise in student achievement. The Court focuses on NSP, as it has been selected for this role by the NC Education Cabinet, supported by Gov. Easley and the N.C. General Assembly with regard to the Learn and Earn early college high school initiative beginning in 2004.

**ABBREVIATIONS**

<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

NSP approaches high school redesign in a two-step process. The first is a year of planning, followed by a five-year partnership focused on teacher training, curriculum development and an intensive focus on student performance data to make instruction more effective.

The NSP will assist in creating "new" high schools from scratch and will assist in projects that "convert" a conventional high school into a redesigned high school – in short, smaller high schools within one building.

New Schools, such as Learn and Earn high schools, will be "new" high schools that are based in nontraditional settings such as on the campus of a two- or four-year college or university. Learn and Earn school students will be enrolled in grades 9-12, or 13 and each child in that school is expected to, and supported to, earn both their high school diploma and two years of credit towards a four-year degree. They will follow the same application and partnership process as Gates-funded "new" schools.

A conversion high school is the result of "converting" a conventional high school, such as Olympic High School in CMS, into a series of small, autonomous units possessing its own school identification number and principal. The costs of running two or more small high schools within a single building run approximately 5% to 7% higher than the former "conventional" high school.

A new high school or conversion high school has several characteristics that are beneficial to the teachers and the students and thus, to academic achievement within the school.

The ultimate goal is to reduce the size of the high school, utilize a common academic focus or theme, have faculty autonomy and flexibility in carrying out the educational theme, have high expectations of students and provide them with the support to be successful in a rigorous academic environment.

**Autonomy and flexibility**

With a smaller number of students and faculty, the interpersonal relationships are better established. Teachers work as a team and they get to

know a relatively small group of students for their entire high school experience. Teachers can understand and address the students' needs. Teachers are able to focus on fundamentals across all classes in the core subjects. In short, seeing that students read and write becomes the responsibility of all the teachers – math, science as well as English and U.S. history.

Autonomy and teamwork permit the teachers to be flexible, so that they can modify their schedules and redirect time and resources as needed to meet the needs of their students. Teachers working in a collaborative setting can use the measurements of their students to analyze and refine their teaching methods and improve them.

Autonomy also generates accountability. In the smaller high school, the teacher receives test data and it is personal. In a redesigned high school, the test results are about the teacher's teaching and it becomes a level of personal accountability, not just data.

**Common focus**

While the conventional high school offers a great diversity of courses or programs in an attempt to keep students interested in staying in school, this approach is not necessarily positive in that: (a) it allows children to be tracked into less-demanding classes rather than demanding high levels of academic achievement from all students; (b) can be academically fragmented and confusing for students as one class is disconnected from another and from the world of adult learning; (c) costs and time to get teachers to teach all of the many courses in the school takes away from a focus on achievement in core subjects; and (d) the diversity and numbers of subjects taught separates the teachers and gives them little opportunity to work together as a team to focus on the needs and demands of the individual students entrusted to their care.

The "redesigned high school" creates a common theme or focus, such as a health and life sciences high school, information technology, international studies, engineering or environmental studies. The common focus of the high school will permit students to use the subject matter and smaller focus to help the students learn in core subjects and make connections to the world of adult work and problem solving.

**Academic rigor**

The redesigned high schools are expected to create a course of study that will expect and support each student to academically master a university pathway diploma. The university diploma pathway requires two years of foreign language and four years of math, courses that correlate with achievement in the workplace of today. There is also no question that demanding more out of students (high expectations) results in higher academic performance.

**Student support**

In conventional high schools there is less opportunity for sustained relationships between students and teachers due to size and courses. In the redesigned high schools the faculty is expected to provide additional support for the students so they can meet the higher academic standards that they are expected to achieve. The additional support systems are called "advisories." The concept is common sense and simple.

Each teacher in an "advisory" will meet each day with a small group of students for the four years they are in high school. The bottom line is that the students have one teacher who will know them, communicate with them and be like family to them. The expected benefit is that the student will get closer academic attention, coaching and individual attention so that he or she will achieve and stay in school to graduate well-prepared. This advisory concept is critical. It is similar in theory to the AVID concept in which the AVID students meet for one class period each day with the AVID teacher.

This is not the only effective approach to high school reform and the programs cannot be instituted overnight. However, they work and North Carolina High Schools need to wake up and pay attention to the fact that this is an existing resource for improved academic achievement that is on their doorsteps.

**Durham Public High Schools**

Dr. Ann Denlinger, Superintendent of the Durham Public Schools, advised that she was focusing on trying to retain and keep high school teachers by providing them with more support.

She acknowledged that the freshmen (ninth-graders) who come to high school are in need of more support. At Jordan High School, they established a Freshman Academy for ninth-graders in which the ninth graders are taught in block schedules and have more individualized attention by the same set of teachers. Durham has a content focus on the study area and requires that the course be aligned with the NCSCOS.

The Court has reviewed the disaggregated data for Durham's five high schools for the years 2002, 2003 and 2004. Durham is making progress.

<b>Durham end-of-course testing</b>			
<b>Pct. Level 3-4</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Black high school students	47.5	52.8	57.7
White high school students	79.5	83.3	84.9

Over the three-year period, black high school students in Durham County saw an increase of 10.2 percentage points in proficiency on EOC tests and white students saw an increase of 5.4 percentage points in proficiency on EOC tests.

The Durham Public Schools are also involved in starting AVID programs in their schools, plus they

have started an Earn and Learn early college high school on the campus of North Carolina Central University.

The Court finds that Dr. Denlinger and her staff at the Durham Public Schools are making high school achievement progress despite a large number of at-risk children in attendance. However, the performance composites at Hillside and Southern indicate that those schools have a long way to go to reach satisfactory levels.

Hillside was 45.6% in 2002 and 49.2% in 2004. Southern was 52.0% in 2002 and 53.1% in 2003.

**CMS high schools: A system with too many high schools in crisis**

CMS presented three witnesses. Dr. Ann Clark, who was the CMS Regional Superintendent responsible for the day-to-day supervision of CMS's high schools, admitted that the academic performance results were unacceptable and placed the blame on a number of factors, including a lack of quality teachers.

The next witness was Pamela Espinoza, principal at Olympic High School, whose 2004 composite score was 53.5%. She presented disaggregated data showing an increase in performance from 2000 to 2004 in composite scores from 36.8% proficiency in 2000 to 53.4% proficiency in 2004.

Ms. Espinoza advised the Court that she had applied for a Gates NSP grant the week before in order to assist her school in obtaining better academic achievement for its student body.

The third and final witness was CMS' Superintendent, Dr. James Pughsley, who acknowledged that there were no excuses.

Dr. Pughsley testified about a number of "plans" which are supposed to aid high school academic performance, such as High School Charter, A+, Algebraic Thinking, AVID, Department of Instructional Excellence and finally, the High School Challenge (a \$6,000,000 grant from the county to see if the three lowest-performing high schools could improve), Student Support Case Management and Transition 9.

The Court found Transition 9 particularly interesting. This program provides intensive academic/instruction intervention to ninth-grade students who, in the eighth grade, failed to achieve grade-level proficiency in the eighth-grade EOG tests in reading and/or math and/or computer skills, or a combination of these.

Bottom line is that the principal in the middle school "passed" these low achievers on to the high school when their chances for academic success were marginal at best. Transition 9 is an attempt to get the students up to grade level proficiency in the eighth-grade reading and mathematics EOG tests in the ninth grade.

Missing from the menu of "plans" to assist in upgrading high school academic performance was a Ninth-Grade Academy, or Freshman Academy pro-

ABBREVIATIONS	
<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

gram for all ninth-grade students entering high school. Missing from the menu of "plans" was also any effort (save Olympic) to reach out to the NSP and attempt to "convert" some of the worst high schools into smaller schools.

Dr. Pughsley acknowledged that expectations have increased and that the economy of today demands higher academic skills and better teaching. He testified that high school teaching must change, that high school teachers must engage kids in learning and understanding that requires a different type of teaching. He acknowledged that teachers must meet and plan together, follow pacing guides to the SCOS and that high school teachers need to collaborate better to see that the pacing guides are followed. Dr. Pughsley acknowledged that CMS needed more content coaches for its teachers in high schools.

All in all, Dr. Pughsley testified to a lot of varying ideas and plans for better schools, including his vision of a 90-90-90 school, where a school with a 90% minority, 90 FRL would achieve 90% EOC test proficiency. He also stated that parents in CMS needed to be reconnected to the school.

Unfortunately, the Court found no comfort in the testimony presented by the CMS employees in terms of either a short-term plan for turning the high schools around and achieving decent academic performance of its at-risk student population (the majority of whom are black).

There is no need to go into all of the excuses CMS has for its failure to educate its at-risk high school students. Refer to the Plaintiff-Intervenors' Response to Court's Nov. 10, 2004 Memorandum dated Dec. 4, 2004. CMS candidly acknowledges that its 2004 EOC composite scores are unacceptable and must improve dramatically.

Following the hearing, the Court requested that CMS file its EOC performance data for the past three years in a disaggregated form for the Court to review more closely.

Before discussing CMS's disaggregated performance data, the Court notes that in 2003-04, the DPI did not administer two of the major high school EOC tests statewide. The tests were in ELPS

[Economic, Legal and Political Systems] and U.S. history. In 2002-03, EOC tests for ELPS were administered to 90,427 students. The proficiency percentage (Level III and above) was 69.3%. In 2002-03, U.S. history EOC tests were administered to 79,106 students. The proficiency percentage (Level III and above) was a dismal 54.9%.

Accordingly, any increase in a high school's composite score from 2002-03 to 2003-04 must be viewed with the foregoing in mind. Removing these two EOC tests with proficiency levels below 70% from the mix will skew the proficiency composite higher for 2004 in each high school.

**CMS high schools' disaggregated data**

The disaggregated data furnished to the Court revealed a chilling picture when the EOC scores of black students in the CMS high schools are looked at over a period of three years, 2002, 2003 & 2004:

**CMS high school black students  
Percent on grade level on EOC test  
and number of black students enrolled**

	2002		2003		2004	
	Pct.	No.	Pct.	No.	Pct.	No.
Berry Tech			44.4	518	37.0	845
Butler	46.3	660	49.6	443	54.2	397
East Meck	41.9	649	45.1	829	46.2	842
Garinger	32.6	968	36.3	800	40.7	935
Harding	53.1	764	51.9	798	50.7	955
Hopewell	39.4	341	44.8	445	45.5	517
Independence	45.6	917	48.4	1,174	40.7	1,232
Myers Park	31.5	657	38.0	578	38.0	561
North Meck	30.2	339	42.3	412	45.9	578
Northwest Arts	38.5	506	37.7	518	45.6	583
Olympic	34.9	478	42.6	467	41.5	543
Providence	43.6	348	56.5	214	62.7	210
South Meck	35.6	407	48.9	298	49.7	338
Vance	40.0	1,075	39.4	1,293	39.8	1,311
Waddell	30.0	448	34.5	558	34.3	535
West Charlotte	28.1	1,212	23.4	1,133	29.5	1,136
West Meck	39.4	889	34.5	857	40.4	820
<b>Black students</b>	<b>10,568</b>		<b>11,335</b>		<b>12,338</b>	

Note: You cannot compare the percent of proficiency/or lack of proficiency with the number of actual black students enrolled in each school to determine the actual number of students below grade level. This is because all students do not take the same number of EOC tests, unlike in [grades] 3-8 where the students take EOG tests in math and reading. The foregoing chart simply shows the number of black students in the school and the performance composite for all EOC tests taken by black children in that school.

You can, however, get a reasonable picture of the numbers of black students who are failing to reach grade level proficiency each year by knowing the number of EOC tests administered and the proficiency ratio on those tests.

For example, in 2002, at Butler High School, there were a total of 1,388 EOC tests administered to black students at Butler. The proficiency composite for black students on the 1,388 EOC tests was 46.3%. That means that there were 53.7% of the EOC tests on which black students failed to reach grade level proficiency. 53.7% of 1,388 is 745 tests on which the score was below grade level.

Using this method, the Court analyzed the black EOC scores in each school for each year and determined the percentage of scores below grade level and the number of tests below grade level. The Court then divided the number of EOC tests below grade level by the total number of EOC tests given to black students at that particular school to determine the percentage of scores below grade level. That percentage matched the percentage of the official proficiency composite score below grade level.

Using this same method, the Court analyzed the white EOC scores in each school for each year and made the same determination as to percentage of scores above and below grade level proficiency for white students in each school.

The results of each year's analysis follow:

**Percent of students BELOW grade level  
CMS high school EOC test scores**

	2002	2003	2004
White students	23.0%	22.9%	22.8%
Black students	59.5%	59.4%	59.6%
White, black combined			40%

Thus, for 2004 CMS high school EOC scores for white and black students combined were 60% above grade level and 40% below grade level, with black students' scores the reverse, 60% below and 40% above.

The three-year analysis also shows that there has been NO overall progress made in high school student achievement in CMS in the years 2002, 2003 and 2004. Black students remain constant at 60% below grade level in high school EOC tests while white students remain constant at 23% below grade level in high school EOC tests.

While there was some individual improvement in some high schools in 2004, much of this can probably be attributed to absence of low scores normally generated by U.S. history and ELPS EOC tests.

**CMS's top, bottom four high schools:  
A closer look for 2003-04**

Before leaving CMS high schools, the Court took a "look" inside the four "top" [and "bottom"] scoring high schools in CMS for 2003-2004. [Chart below.]

The Court will agree with Dr. Pughsley on one point. NO EXCUSES. There can be no excuse for what is going on in CMS's bottom four high schools, or the other four high schools that have composites below 60% – Olympic (55%); Vance (49%); Independence (51%); West Mecklenburg (48%); nor the two below 70%, Harding (61%) and Hopewell (68%).

The most appropriate way for the Court to describe what is going on academically at CMS's bottom eight high schools is academic genocide for the at-risk, low income children.

The bottom line is that there is no excuse for these high schools (or for that matter any high schools anywhere in North Carolina with similar disaggregated data and composite scores) to be so academically in the ditch year after year.

**Jo Baker, Associate Supt. for Instruction  
Wake County Public Schools**

Dr. Baker testified about what Wake County Public Schools were doing that had led to the overall academic success in the system and in the high schools. Wake County uses the Baldrige Process, which is a business approach to achieving student academic success. The tenets are PLAN, DO, STUDY & ACT. It is interesting to note that Craven County Schools adopted the Baldrige Process several years ago and credits the process to its outstanding achievement in student performance.

**4x4 block**

The majority of Wake County's high schools have gone to a 4x4 block system. In the 4x4 block system, students take four courses each semester instead of six or more. The courses are taught in 90-minute segments each day and at the end of the semester, the student has obtained one high school credit for the course. Simply put, the course covers the nine

month course of study in one semester.

Wake County has refined its pacing guides for the teachers so they can stay on the timetable in the course in order to teach the SCOS and finish the material.

The benefits to the high school students are that they can focus on only four subjects at one time. The course is daily and they are taught by only four teachers and those teachers are in daily contact with them for the semester. This provides an opportunity for individual attention and the students don't bounce around inside the large high school.

The benefit to the teachers in the 4x4 block system are twofold: They get to know 75 children as they teach three classes each day, with one class period for planning. Second, they have the opportunity to collaborate and plan with the other teachers in the 4x4 block in order to more effectively individualize the instruction for the students.

**Ninth-Grade At-Risk Academy at Garner**

Garner High School, which has one of the lower composites of all of Wake's high schools, 65.6%, has instituted a ninth-grade At-Risk Academy to help the at-risk ninth-grade students transition into high school. The goal is to make the high school experience more personal, have more individual attention paid to the ninth-grader and to attempt to link the child with the parent.

Wake County High Schools are doing well and the system is benefiting from stable leadership and community support. Wake County is doing a very creditable job in its high schools.

**Larry Brown Moser, Associate Superintendent  
Craven County Schools**

The Craven County School system's high school performance composites have been set out previously. All of its high schools are above 80% proficiency. The Court asked Craven County Schools to come and testify as to what has made them successful. Craven County Schools are 58% white and 34% black; 16% are military family children and 47% are free and/or reduced lunch.

School	Student body						Schoolwide EOCs '04 test scores			Gifted & Talented			Sch. FRL	
	Black Tot.	Black Pct.	White Tot.	White Pct.	Other Tot.	Other Pct.	Total Enroll.	Black	White	Total	Tot.	Pct.		EOC
<b>CMS's Top Four High Schools, 2003-04</b>														
Butler	397	20.4	1,414	72.6	138	7.0	1,949	54.2	77.6	75	481	24.7	92.6	14.32
Myers Park	561	22.5	1,649	66.2	282	11.3	2,492	38.2	83.3	75	786	31.5	93.7	17.78
North Meck	578	25.2	1,514	66.0	202	8.8	2,294	45.9	80.6	72	494	21.5	94.5	13.91
Providence	210	8.8	1,943	81.6	228	9.5	2,381	62.7	85.4	85	612	25.7	96.5	14.32
<b>CMS's Bottom Four High Schools, 2003-04</b>														
Berry Tech	845	80.2	125	11.9	83	8.9	1,053	37.0	63.5	45	86	8.2	74.2	57.54
Garinger	935	68.5	144	10.6	285	20.9	1,364	40.7	61.0	45	50	3.7	82.4	57.03
Waddell	535	55.6	183	19.0	244	25.5	962	34.3	60.2	45	47	4.9	80.3	45.56
West Ctl.	1,136	91.0	26	2.1	87	6.9	1,249	29.5	55.6	31	58	4.6	60.6	61.92

Craven County has 1,033 teachers and 13 learning center coaches that provide instructional assistance and support to teachers. The teacher turnover rate is 15%. The teachers are qualified and there is stability in leadership and little turnover in principals. The Learning System Coaches are Master Teachers. They are paid by local funds and they meet with grade-level teachers to provide support and assistance for the educational program. The high school principals follow the SCOS.

Craven County Schools adopted the Baldrige Process in 1993. It is called the Baldrige Approach For Continuous Improvement. The Baldrige process started with seven pilot schools in 1993. Leadership comes from the district to the school to the classroom. Expectations for academic performance are set from the top.

The system uses pacing guides that are aligned with the SCOS and uses assessment data to determine effectiveness of the system. Baldrige uses a business approach to education. Wake County uses Baldrige.

Craven County uses AVID and the 4x4 block schedule for its high schools. Craven has moved from a "teaching" to a learning system. Craven has a dropout prevention program called a credit recovery program to try to prevent dropouts. It has a dropout prevention coordinator.

The bottom line is that Craven County Schools is doing it right. In 1998-99, the district's high school composite average was 63.1%; in 2003-04, it was 86.7%.

**Brooks Singletary, Superintendent  
Onslow County Schools**

Onslow County has 22,200 students. It is 64% white, 29% black and 5% Hispanic. The free and/or reduced lunch population is in the 40% range. Onslow receives low-wealth funding. Since Camp Lejeune is in Onslow, the student population is 36% federally connected. Marine families value education.

Onslow County schools have a diverse student population. The military-connected children have access to health care and are focused as teenagers.

Onslow County Schools has 1,400 teachers, 1,150 fully accredited, 150 lateral entry, no long-term substitutes and a turnover rate of 12.4%.

Onslow County utilizes Effective Schools Research for its achievement-enhancing program. The program has been in Onslow County Schools for 14 years. It is research-based and correlates the best practices with expectation and accountability.

Onslow County has AVID in two high schools and two middle schools.

Onslow County has adopted the "Freshman Academy" concept so as to provide the ninth-graders with a smaller learning community in their first year in high school. The Freshman Academy provides students a transition from the freshman year to the sophomore year. The ninth-graders are team

ABBREVIATIONS	
<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

taught and the high schools work with their feeder middle schools in establishing the program for the ninth-graders.

Onslow County is on top of high school reform. It also uses a recovery program in connection with dropout prevention called "Plato."

Onslow County's high schools are performing well and the program is working, as evidenced by the improvement in performance composites from 1999-00 through 2003-04. In 1999-00 every high school in Onslow County had a composite score in the 60%-67.9% range. In 2003-04, every high school in Onslow County had a composite score ranging from 82.4% to 87.8% (Northside).

**The Court's Independent Review  
of Disaggregated Data of other Selected  
LEAs' High School Performance**

Following its analysis of the disaggregated data relating to CMS's high schools, the Court believed it would be appropriate to take a three-year "look" at several other systems, including the five plaintiff systems, for a comparison of how their high schools were performing using the same data comparison.

In addition, the Court believed it would be appropriate to look at high school data from other larger school systems, other than Wake County, so as to make a comparison of their high schools to CMS.

**Plaintiff Counties  
Cumberland County High Schools**

Cumberland County had 10 high schools on line in 2004. Prior to 2003-2004, it had nine high schools. In 2002-03 Cumberland had an ADM of 51,469, making it a larger LEA than Durham Public Schools.

**Students at/above grade level on EOC tests given**

	2002	2003	2004*
White students	74.0%	76.7%	80.0%
Black students	49.7%	55.3%	55.0%

\*No ELPS or U.S. history tests given

**Robeson, Vance, Hoke, Halifax High Schools**

These four small counties had fewer total test scores than Cumberland County when combined. In the interest of the shortness of life, the data for all four LEAs' high schools are combined.

**Students at/above grade level on EOC tests given**

	2002	2003	2004*
White students	67.0%	72.0%	73.8%
Black students	42.2%	45.1%	47.0%

\*No ELPS or U.S. history tests given

**Selected Large Urban Districts**

**Guilford County High Schools**

Guilford County Schools had a 2002-03 ADM of 65,304. Guilford County has 14 high schools.

**Students at/above grade level on EOC tests given**

	2002	2003	2004*
White students	80.0%	81.7%	79.3%
Black students	44.1%	46.4%	50.0%

\*No ELPS or U.S. history tests given

**Winston Salem/Forsyth County High Schools**

Winston Salem/Forsyth County has eight high schools. It has two small units, Forsyth Voc H.S. and Independence H.S. that the Court did not consider as the numbers of tests were too small.

Forsyth County had an ADM in 2002-03 of 47,488.

**Students at/above grade level on EOC tests given**

	2002	2003	2004*
White students	78.4%	80.6%	81.2%
Black students	46.6%	48.7%	49.6%

\*No ELPS or U.S. history tests given

With so many at-risk students scoring below grade level in so many high schools throughout North Carolina, what is the problem and what is the solution?

The problem is that the educational opportunities offered to the students in many classrooms throughout the entire high school are not Leandro-compliant in terms of leadership and classroom teacher competency as required by the constitution.

If each classroom had the qualified, competent teacher equipped to teach the children in that classroom and supported by the leadership in the school with the needed resources, at-risk children should not be failing to achieve success in high school as the ABC data shows.

The critical factor necessary is missing in those schools and classrooms. What is the critical factor?

**Properly prepared and supported quality principals and teachers:**

**The critical factor to success or failure in the low-performing high school**

The Court, based on all the evidence that has been presented throughout the history of this case, finds that the most critical factor that is the foundation

for a high school's success, or a high school's failure, is the quality of the principal and the teachers in that high school.

Leandro requires an effective, competent principal with leadership and educational skills to put in place a program of education that fits the students in the high school and requires of the teachers that they be competent, certified and effective in teaching the standard course of study to the children in their subject areas. This is a non-negotiable fact.

As the Court listened to the litany of complaints about why CMS and other high schools could not do better, one chorus resonated above the rest: "We can't find qualified teachers and we cannot retain the ones we are able to hire."

As the Court has listened to the litany of complaints from the general commenting public, including a member of the CMS School Board, the question is how can we get rid of "incompetent teachers and principals?"

In the context of problem high schools, the issue of teacher and principal competency is complex and serious. The questions of "competency" raised by the public in reaction to the poor-performing high schools are legitimate ones. They also reflect a lack of understanding of the basic problem facing the educators who are placed into the low-wealth, high-risk population high schools, urban and rural.

A teacher may be competent to teach in one school setting and lack the training, preparation and support to be competent (i.e., be able to effectively communicate with and teach the students in their charge) to teach an at-risk student in a high-poverty, inner-city or rural high school. The same can apply to a principal.

The basic problem is that these teachers and the principals who are in charge have a student population that is at-risk. They possess the factors that all acknowledge lead to a hard-to-teach child such as poverty, parents who are themselves not educated, unstable housing, unemployment, racial/ethnic minority, lack of health care, and low socio-economic neighborhood background.

There is no dispute that these children can learn and successfully complete a Leandro-compliant high school educational experience but, unfortunately, too many either drop out, or fail to achieve at grade level. There is also no dispute that these children should have the opportunity to obtain the sound basic education in high school.

The tendency is to blame the teachers and label them as "incompetent." While this may very well be the case with some, a great many teachers who are qualified on paper are not trained or prepared to teach the standard course of study to these at-risk children in such a way as to achieve academic success by their instructional methods. This does not make them "incompetent" but they are still not qualified to achieve academic success with their students without the appropriate professional development and support for their classroom efforts.

For example, you can take a 23-year-old teacher who has made A's in education courses, passed the Praxis at the top level in the subject matter and has successfully practice-taught at a fine urban high school with an 85% composite.

This teacher, who is qualified on paper and in the undergraduate educational arena, is not qualified, nor prepared, to be "competent" to teach to a group of hard-core inner-city students with all of their societal and educational disadvantages.

The same would be true with a "lateral entry" teacher, or for that matter with a Master Teacher who has been teaching in a 90% composite high school for 15 years and whose non at-risk, affluent student body has been cranking out Level IV ABC test scores with relative ease.

To change the environment and assign these teachers to a high poverty, at-risk inner city high school and expect them to produce a Level III student overnight is asking them to turn water into gold.

It is no wonder that these teachers quit the profession or refuse to be assigned to those hard-to-teach schools and classrooms.

The Court is convinced from the evidence that teachers who are going to teach in high schools with high at-risk populations must be provided, before they are thrown into the classroom, with effective teaching tools, methods and techniques that can reach the at-risk students who attend that class.

Principals who are assigned to lead high-risk high schools should be prepared, before being thrown into the school, to be able to implement an educationally valid instructional program that can reach and teach the at-risk population in those schools. There is no question that teaching these children requires hard work, initiative, longer hours and more intensive teaching and remediation.

The successful principal is one who has a faculty that "buys into" the educational program in the high school and works as a team, not as individual "college" subject matter teachers, to educate the at-risk children in their charge.

In digesting the evidence from the "successful" principals in high school and elsewhere, the key to their success, regardless of whatever "program" they employ, is teamwork and faculty collaboration in teaching students the core subjects needed for their success.

In the NSP high schools, the focus is on a particular theme, such as information technology, or science and math, but underlying the theme is teamwork, high expectations of students and collaboration among the faculty so that the total picture of the academic progress of each student is known to all of his or her teachers. In this way, the student's educational pluses and minuses can be addressed by the teachers as a group, not in a subject matter vacuum.

This same theme, teamwork and knowledge of the individual student, is present in AVID, as well.

The bottom line is that when the high school stu-

### ABBREVIATIONS

<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

dent receives individualized attention and knows that his or her teachers are about his or her welfare, have high expectations of success in the classroom, the student's academic performance should improve. When this type of instruction is not present in the classroom and in the high school, the opposite result occurs and the student and the school turn into an educational disaster area with attendant dismal performance composites.

The prevention and cure for such a disaster starts with making sure the teachers and principals are provided with the staff development, training and an appropriate educational program to fit the at-risk, poor-performing high school such that the school can be successful upon implementation of the "right" educational program.

All of this takes initiative, a will to succeed and the desire to work hard. If any of these qualities are "missing" then the educator should look elsewhere for employment.

The Court has previously discussed several successful high school programs. There are over 117 high schools that are successful. The Court, in the Conclusion, lists multiple resources that are available to help make a principal and teacher in a low-performing high school successful.

There's no excuse for a teacher or principal not taking advantage of these resources. There's also no excuse for the LEA to fail to properly prepare and support those principals and teachers, who are assigned to the poorly performing, low-composite high schools, to be successful if they are willing to work hard and make the sacrifices that must be done to turn the high schools around.

### CONCLUSION

Despite great strides in recent years, there are still far too many high schools in North Carolina in which the opportunity to obtain a sound education is not being provided to each and every student.

The Supreme Court, in Leandro II, declared:

"We read Leandro and our state Constitution, as argued by plaintiffs, as according the right at issue to

all children of North Carolina, regardless of their respective ages or needs. Whether it be the infant Zoë, the toddler Riley, the preschooler Nathaniel, the “at-risk” middle-schooler Jerome, or the not “at-risk” seventh-grader Louise, the constitutional right articulated in Leandro is vested in them all.”

The constitutional right to the opportunity to obtain a sound basic education is vested in every single student. This is not a mere “aspirational goal” but it is the law of North Carolina and that law requires each high school, and the State of North Carolina, which is responsible to ensure compliance with Leandro:

To provide each child with the opportunity to reach grade-level proficiency, every classroom, and this includes each and every high school classroom, is required to be staffed by a competent, certified, well-trained teacher who is teaching the standard course of study by implementing effective educational methods that provide, differentiated, individualized instruction, assessment and remediation to the student(s) in that classroom.

To see that every school, and this includes high schools, are being led by a well-trained, competent principal with the leadership skills and the ability to hire and retain competent, certified and well-trained teachers who implement an effective and cost-effective instructional program that meets the needs of at-risk children so that they can have the equal opportunity to obtain a sound basic education by achieving grade-level or above academic performance.

And to see that every school, and this includes each and every high school, be provided, in the most cost-effective manner, the resources necessary to support the effective instructional program within that school so that the educational needs of all children, including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.

Each student, including each and every high school student, in order to obtain the sound basic education, should be performing at, or above, grade level proficiency (Level III & Level IV).

A high school student performing below Level III proficiency in a particular high school course, or courses, is not obtaining a sound basic education in that subject matter.

A valid measure as to whether or not the a student or students in a classroom are being provided with the opportunity to obtain a sound basic education is the student’s performance on the assessments, including the EOG tests administered by the State of North Carolina under the ABCs.

The Court has assumed, for purposes of its broad-brush analysis of the status of educational performance in high schools in North Carolina, that a high school with a composite score of 80 or above is providing the opportunity for a sound basic education to the children in those schools. After all, 8 out of 10

scores at or above grade level means that the bulk of the students are being provided with the opportunity to learn. The Court realizes, of course, that if one were to look closely at the disaggregated data in those schools, there may be, and probably are, pockets of children who are at-risk and who are not obtaining a sound basic education.

North Carolina had 117 of its high schools that fell in this category in 2004. They are geographically scattered from the mountains to the coast. They are located in every type of community, including some where the industries on which the local economies were based have gone “off-shore.”

**Cabarrus County Schools**

- Central Cabarrus High – Composite of 88
- Jay M. Robinson High – Composite of 80
- Mount Pleasant High – Composite of 80
- Northwest Cabarrus High – Composite of 84

**Kannapolis City Schools**

- A.L. Brown High – Composite of 82

**Caldwell County Schools**

- South Caldwell High – Composite of 81

**Catawba County Schools:**

- Fred T. Hoard High – Composite of 85
- Saint Stephens High – Composite of 87

**Buncombe County Schools:**

Buncombe County has seven high schools. Six out of seven had a composite of 80 to 87. The seventh had a composite of 79.

**Haywood County Schools:**

- Tuscola High – Composite of 80

**Dare County Schools:**

- Dare County High School – Composite of 88

**Camden County Schools:**

- Camden County High – Composite of 84

[In addition to these 17,] there are 100 more high schools with 2004 composites of 80 or above.

The Court has attached a complete list of all of North Carolina’s high schools with their composite scores as Exhibit A to this Report and it is incorporated by reference.

What’s the point?

The point is that if 117 of North Carolina’s high schools can achieve this academic success, with 107 more working their way up through the 70s (there were 62 out of 107 with composite scores of 75 to 79), then all of North Carolina’s high schools can reach the 80% composite level and higher.

How do the 102 high schools whose composite scores are below 70% get to the 80% composite level?

The simplistic answer is that those schools must become Leandro-compliant, at a minimum, and it is the State of North Carolina’s responsibility to oversee the process.

Is this an impossible goal? The Court’s answer, based on the evidence and success in other high schools in North Carolina, is NO.

There can be no question based on the evidence in

this record and the ABC performance composites and ABC scores for high school core subjects that students at high numbers are achieving a sound basic education throughout the State.

Those who are not, especially those in high schools whose composite scores are below 60% proficient, are at-risk of not obtaining a sound basic education.

What has to happen to effectuate a major "sea change" in the bottom 48 high schools that are below 60% composite?

As the Court sees it, there are two options available at the present time. The first is a draconian choice in which the State has to use its "muscle" to force educational change where necessary. This choice is always available, and may be ultimately required, as has been previously stated by this Court:

"The State of North Carolina must roll up its sleeves, step in, and utilizing its constitutional authority and power over the LEAs, cause effective educational change when and where required. It does not matter whether the lack of an equal opportunity to obtain a sound basic education is caused by teachers, principals, lack of instructional materials or other resources, or a lack of leadership and effort.

"The State must step in with an iron hand and get the mess straight. If it takes removing an ineffective superintendent, principal, teacher or group of teachers and putting effective, competent ones in their place, so be it. If the deficiencies are due to a lack of effective management practices, then it is the State's responsibility to see that effective management practices are put in place."

The second of the two options is less draconian and ultimately more palatable for all concerned. This option requires everyone interested in seeing that our high school children, all of our high school children, stay in school and be provided with the opportunity to obtain a sound basic education so they can succeed in life. The second option is for everyone to acknowledge the high school problem exists, quit running away from the problem and utilize the great resources the State of North Carolina already has in place to solve the high school problem.

The high school problem must be "fixed" and there are multiple resources available to do so. Utilizing the multiple resources available, hard work and initiative in a spirit of collaboration and teamwork is the second option.

An example of this spirit of collaboration and teamwork to solve a problem took place between Wake County Schools and the Hoke County Schools. Hoke County Schools did not have a Project Achieve (Brassosport method) to assist elementary and middle school children in raising their academic achievement levels.

Wake County Schools provided Hoke County with assistance and materials for implementing Project

### ABBREVIATIONS

<b>ADM:</b> Average Daily Membership	<b>EOG:</b> End-of-grade test in grades 3-8
<b>DPI:</b> Department of Public Instruction	<b>FRL:</b> Free- and reduced-price lunch, an indicator of low family income
<b>DSSF:</b> Disadvantaged Student Supplemental Fund	<b>LEA:</b> Local Education Agency (i.e., school district).
<b>ELPS:</b> Economic, Legal & Political Systems, an EOC test being phased out	<b>NCSCOS:</b> North Carolina Standard Course of Study
<b>EOC:</b> End-of-course high school test	<b>NSP:</b> New Schools Project
	<b>SCOS:</b> Standard Course of Study

Achieve in the Hoke County Schools. That's working together to help children.

The Good News: There are positive steps being taken and there are multiple valid practices and programs available to help to make high schools better.

While the State must act to fix the "high school problem" and the "fix" will be difficult, especially in school districts like CMS, the Court is convinced that there are valid, educationally sound programs and practices available to "fix" the "high school problem" so as to ensure all of our children have obtained a sound basic education when they complete their public school education.

In addition there are both gubernatorial and legislative proposals "on the table" and "in play" during this legislative session to ensure targeted funding for school systems that are based on accountability that would require targeted funding to assist in fixing the problems of high schools and other schools.

Added to the resources available for solving the "problem" are many programs, partnerships, professional associations and educational nonprofits that are valuable educational resources for assistance in solving the "high school problem."

These legislative initiatives, DPI actions, plans and programs for education and staff development, partnerships, professional associations, educational nonprofits and other volunteer groups are the GOOD NEWS and are assets for our at-risk high schoolchildren.

This list of valuable resources and assets, includes but is not limited to:

- High Schools That Work.
- High Priority Schools Act.
- Disadvantaged Student Supplemental Fund (DSSF) to ensure schools and school districts implement proven educational strategies.
- Low Wealth Funding.
- Small County Funding.
- The Sound Basic Education Act of 2005 that the plaintiffs and plaintiff-intervenors advise would, if passed

into law, fully fund the Low Wealth Fund and provide for targeted DSSF funding for \$100,000,000 in 2005-2006 and \$200,000,000 for 2006-07. The Court has been advised that both the plaintiffs and plaintiff-intervenors support this legislation.

LEAA Program to provide school district level assistance teams.

The New Schools Project to reform high school.

Learn and Earn Schools.

Center for 21st Century Skills.

School-Based Child & Family Support Teams.

DESTINY. Destiny is a science education program that delivers hands-on curricula and teacher professional development throughout the state. It is a program which promotes equity of access to quality science learning.

AVID.

The Baldrige Process.

Ninth-Grade/Freshman Academies – Low-cost and effective.

N.C. Model Teacher Consortium.

2+2 Partnerships between schools of education and community colleges.

N.C. Teacher Academy.

N.C. Mathematics and Science Education Network.

N.C. Principals Executive Program (PEP).

Class-size reduction targeted at at-risk populations.

N.C. Center for the Advancement of Teaching (NCCAT).

N.C. Restructuring Initiation in Special Education.

N.C. State Improvement Project.

James B. Hunt, Jr. Institute for Educational Leadership and Policy.

N.C. Educational Research Council.

LEARN N.C.

National Paideia Center.

Support Our Students (SOS).

Communities in Schools (CIS).

There are also educational driven Professional Associations that are resources that can assist with solving the high school problem, including, but not limited to:

The N.C. Association of Educators.

The N.C. School Board Association.

The N.C. Association of School Administrators.

The N.C. Association of School Psychologists.

There are also the educational nonprofit groups that support public school education and are valuable available resources to assist in fixing the "high school problem."

N.C. Business Committee for Education.

Public School Forum of N.C.

Teach For America.

Communities in Schools.

N.C. Partnership for Excellence.

Centers for Quality Teaching and Learning.

N.C. Network.

Schools Attuned.

N.C. Teach.

These at-risk high school students need help.

Responding to the need are faith-based and other volunteer groups who provide afterschool and in-school tutoring, mentoring and activities for high school age children and who provide assistance in dropout prevention programs.

Boys and Girls Clubs, YMCA & YWCA and Boy Scouts and Girl Scouts.

Faith-based and other volunteer groups and organizations that engage in tutoring, mentoring and helping young people stay in high school and succeed.

Last, but not least, are the superintendents, principals and teachers in those high schools that are succeeding in providing, to each and every child, the opportunity for a sound basic education. These successful educators use differing methods, practices and programs to reach their students, but they educate students who can meet the standards of educational achievement mandated by Leandro.

These educators are a valuable resource and their successful programs and strategies should be tapped and replicated where practicable.

The bottom line is that the lowest-performing high schools must be "fixed" and not in the distant future. The State of North Carolina cannot stand by and fail to act to stop the educational genocide that is occurring in CMS and throughout the State of North Carolina in too many of its high schools.

Reduced to essentials, the State of North Carolina has, within its borders and at its fingertips, the combined expertise, educators, resources and money to fix the "high school problem" so that the children attending those schools will be provided with the opportunity to obtain a sound basic education similar in content and quality as those in the top 117 high schools. The law requires nothing less.

The Court has no doubt that the State of North Carolina, within its executive and legislative Branches, has the leadership and organizational skills to pull together the many assets that are available and solve this problem in an educationally and cost-effective manner.

IT IS ORDERED THAT: (1) This Report shall be filed and become part of the record; (2) That this Report shall be delivered to the Governor, the Leadership of the General Assembly, the Chair of the State Board of Education and the Superintendent of Public Instruction.

Howard E. Manning, Jr.,  
Superior Court Judge