

Supplemental Complaint

WHICH THEY RESIDE.” The Bill, as subsequently amended, was ratified on July 2, 1969 (See Exhibit A), and is now codified as North Carolina General Statutes §115-176.1.

B. The ratified bill, which has the same title as the bill introduced on May 7, 1969, provides:

1. Students cannot be excluded from any school on account of race.
2. Students shall be assigned to the school within the geographical district where the pupil resides, except for children attending special schools or except for any reason the local board deems sufficient.
3. “*No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary bussing of students in contravention of this article is prohibited, and public funds shall not be used for any such bussing.*”
4. The article does not apply in temporary situations of unsuitability of schools or over-crowding.
5. Nor does it apply to “any assignment made pursuant to a choice made by any pupil . . . pursuant to . . . a freedom of choice plan voluntarily adopted by the Board.”

XII

The defendants State Board of Education and State Superintendent of Public Instruction are responsible to insure that the prohibitions against involuntary student assignments and bussing contained in North Carolina General Statutes §115-176.1 are complied with in the Charlotte-

Supplemental Complaint

Mecklenburg School System and other administrative units throughout the State and that public funds over which they have control not be used for any such bussing.

XIII

Involuntary bussing and pupil assignments which are prohibited by North Carolina General Statutes §115-176.1 are necessary devices to carry out the existing orders of this and other Federal Courts in North Carolina and to comply with the duties imposed by the Constitution upon defendants herein and other school officials in North Carolina. The purpose, motive and effect of provisions of North Carolina General Statutes §115-176.1 complained of herein, is to forbid these defendants and other school officials in North Carolina from complying with existing lawful orders of this and other Federal Courts and to forbid them from complying with the requirements of the Thirteenth and Fourteenth Amendments to the Constitution in the State of North Carolina. The provisions thus violate the constitutional rights of plaintiffs and other similarly situated.

XIV

Plaintiffs and those similarly situated and affected, on whose behalf this action is brought are suffering irreparable injury and will suffer irreparable injury in the future by reason of the provisions of the Statute complained of herein. They have no plain, adequate or complete remedy to redress the wrongs complained of herein other than this action for a declaratory judgment and injunction. Any other remedy to which plaintiffs could be remitted would be attended by such uncertainties and delays as to deny substantial relief, would involve a multiplicity of suits and would cause further irreparable injury.

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WHEREFORE, plaintiffs respectfully pray that, upon the filing of this Supplemental Complaint, the Court:

1. Issue a temporary restraining order restraining the defendants, their agents and other persons acting in concert with them from giving consideration or effect to and from enforcing, administering, or applying the provisions contained in North Carolina General Statutes §115-176.1 complained of herein;
2. Convene a three-judge District Court as required by 28 U.S.C. §§2281 and 2284;
3. Advance this cause on the docket and order a speedy hearing of this action according to law and upon such hearing:
 - a. Enter judgment declaring the statutory provisions complained of herein void as repugnant to the Thirteenth and Fourteenth Amendments to the Constitution of the United States;
 - b. Enter a preliminary and permanent injunction restraining all defendants, their agents and other persons acting in concert with them from giving consideration or effect to and from enforcing, administering, or applying the complained provisions of North Carolina General Statutes §115-176.1;
 - c. Allow plaintiffs their costs herein, reasonable attorneys fees and such other and further relief as to the Court may appear equitable and just.

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Supplemental Complaint

Respectfully submitted,

/s/ ADAM STEIN

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Attorneys for Plaintiffs

**Exhibit A Attached to Foregoing
Supplemental Complaint**

NORTH CAROLINA
GENERAL ASSEMBLY
1969 SESSION
RATIFIED BILL
CHAPTER 1274
HOUSE BILL 990

AN ACT TO PROTECT THE NEIGHBORHOOD SCHOOL SYSTEM AND
TO PROHIBIT THE INVOLUNTARY BUSSING OF PUPILS OUTSIDE
THE DISTRICT IN WHICH THEY RESIDE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a new Section of Chapter 115 of the General Statutes to be codified as G.S. 115-176.1 and to read as follows:

"G.S. 115-176.1. Assignment of pupils based on race, creed, color or national origin prohibited. No person shall be refused admission into or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community.

Where administrative units have divided the geographic area into attendance districts or zones, pupils shall be assigned to schools within such attendance districts; provided, however, that the board of education of an administrative unit may assign any pupil to a school outside of such attendance district or zone in order that such pupil

Exhibit A Attached to Foregoing Supplemental Complaint

may attend a school of a specialized kind including but not limited to a vocational school or school operated for, or operating programs for, pupils mentally or physically handicapped, or for any other reason which the board of education in its sole discretion deems sufficient. No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary bussing of students in contravention of this Article is prohibited, and public funds shall not be used for any such bussing.

The provisions of this Article shall not apply to a temporary assignment due to the unsuitability of a school for its intended purpose nor to any assignment or transfer necessitated by overcrowded conditions or other circumstances which, in the sole discretion of the School Board, require assignment or reassignment.

The provisions of this Article shall not apply to an application for the assignment or re-assignment by the parent, guardian or person standing in loco parentis of any pupil or to any assignment made pursuant to a choice made by any pupil who is eligible to make such choice pursuant to the provisions of a freedom of choice plan voluntarily adopted by the board of education of an administrative unit.”

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. If part of the Act is held to be in violation of the Constitution of the United States or North Carolina, such part shall be severed and the remainder shall remain in full force and effect.

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Sec. 4. This Act shall be in full force and effect upon its ratification.

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House Bill 990

In the General Assembly read three times and ratified,
this the 2nd day of July, 1969.

H. P. TAYLOR, JR.
H. P. Taylor, Jr.
President of the Senate.

Philip P. Godwin
Philip P. Godwin
Speaker of the House of Representatives.

House Bill 990

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**Amendment to Plan for Further
Desegregation of Schools**

(Filed July 29, 1969)

Pursuant to the order of the Court dated June , 1969, the Board of Education proposed to amend and modify the amended plan submitted to the Court on May 28, 1969, by adding thereto the following:

Policy Statement

Equal opportunity to develop all capabilities to the fullest potential is the right of every individual in a democratic society. Since this right is a basic precept of education, it becomes the responsibility of those who make educational decisions to see that equality of opportunity is provided for all.

The Charlotte-Mecklenburg Board of Education affirms the long held principle that equality of educational opportunity for all children without regard to socio-economic, ethnic, religious, or racial differences is essential to the continued growth of our community and is basic to a free and open American democratic society.

The Board further believes that equality of educational opportunity can best be provided by attempting to free individuals from the burden and handicaps imposed by varied circumstances, backgrounds, and environmental differences. To this end the Board has devised an educational program which will to the greatest extent possible, provide for the equal development of all students regardless of such burdens and handicaps.

In this light, the Board of Education firmly believes further desegregation of students and professional staff will contribute to the educational and social development of all children. Based on its own experience and the experiences of other school systems, the Board is further of the belief

Amendment to Plan for Further Desegregation of Schools

that desegregation of students should be coordinated with desegregation of teachers, principals, and staff members, both of which should be accomplished at the earliest possible date.

The section which follow outline the immediate plans of the Charlotte-Mecklenburg Board of Education for accomplishing this goal.

Close Schools and Temporarily Re-assign Pupils

The Charlotte-Mecklenburg School System has certain schools which are unsuitable for the continuation of an educational program because of the obsolescence of the physical plant and location, declining enrollment and other factors. The Board of Education will close the following schools and temporarily reassign students previously assigned to such schools to other schools more suitable for the quality of education of the students involved. Transportation will be provided pupils who are reassigned. The schools to be closed are:

<i>Elementary Schools</i>	<i>Projected Enrollment</i>
Alexander Street	260
Bethune	195
Fairview	330
Zeb Vance	235
Isabella Wyche	215
	1,235

<i>Junior High Schools</i>	<i>Projected Enrollment</i>
Irwin Avenue	630

<i>Senior High Schools</i>	<i>Projected Enrollment</i>
Metropolitan	1,135

Amendment to Plan for Further Desegregation of Schools

The schools to which the 1,235 pupils from the five closed elementary schools will be reassigned are as follows:

1.

Elementary

Receiving School	Number Reassigned	Projected Enrollment			% Negro
		White	Negro	Enrollment	
Ashley Park	75	575	75	11	
Beverly Woods	75	550	75	12	
Huntingtowne Farms	60	570	70	11	
Idlewild	90	573	92	14	
Lansdowne	75	770	75	9	
Merry Oaks	45	460	45	9	
Olde Providence	90	535	100	16	
Park Road	60	540	60	10	
Sharon	100	425	100	19	
Myers Park	50	437	73	14	
Albemarle Road	50	500	50	9	
Briarwood	45	670	50	7	
Selwyn	75	615	80	12	
Shamrock Gardens	60	535	60	10	
Westerly Hills	75	605	75	11	
Windsor Park	75	770	75	9	
Winterfield	75	715	75	9	
	1,175*	9,845	1,230		

* The differential between students from the closed schools and the number of students reassigned will be filled by special education students reassigned to nearby schools.

Nine of the above schools have sufficient capacity to accommodate the students assigned. The capacity at eight schools would have to be increased by the use of mobile units. These mobile units would be transferred from three schools which are presently receiving additions: Matthews—2, Statesville Road—5, and Tryon

Amendment to Plan for Further Desegregation of Schools

2.

Junior High

Irwin Avenue Junior High students would be reassigned on the basis of the elementary schools they attended to schools having a low percentage of Negro enrollment. This reassignment would be as follows:

Receiving School	Number Reassigned	Projected Enrollment		
		White	Negro	% Negro
Smith	90	1470	90	6
McClintock	150	1325	200	13
Eastway	180	1360	183	12
Wilson	75	1140	135	11
Alexander Graham	135	1045	144	12
	—	—	—	—
	630	6,340	752	

Students whose parents object to involuntary transportation at Irwin Avenue Junior High School will be instructed

Hills—7. By reopening Woodland Elementary School and housing the fifth and sixth graders from Paw Creek at this facility, an additional eight mobile units may be picked up from Paw Creek for use in the above schools.

The Board is aware of the fact that some parents may oppose the transportation of their children to distant schools which have the capacity to receive them. Should this occur, the following action will be taken: A program will be operated in the Zeb Vance building for elementary students from the former Zeb Vance, Isabella Wyche, and Bethune areas on a first come first served basis for students whose parents object to involuntary transportation. Students from Fairview and Alexander Street whose parents object to involuntary transportation will be instructed to enroll in the school nearest their place of residence. Zeb Vance and such nearby schools upon reaching a maximum capacity will not be permitted to receive additional students and such students will be assigned as previously reassigned.

Amendment to Plan for Further Desegregation of Schools

to enroll their students in the junior high school nearest their place of residence as long as space is available and will be reassigned on a first come first served basis. If space is not available, such students will attend the junior high school to which they were previously reassigned.

3.

Senior High

The Metropolitan Senior High School attendance area would be eliminated and the area divided among the surrounding senior high schools. Description of the revised attendance areas are as follows:

East Mecklenburg—Begin at the intersection of Central Avenue and Briar Creek Road. Proceed westward on Central Avenue to McDowell Street. Proceed south on McDowell to East Fourth Street. Proceed eastward on East Fourth Street and Randolph Road to Briar Creek.

Myers Park—Begin at Randolph Road on Briar Creek. Proceed west on Randolph Road-East Fourth Street to McDowell Street. Proceed north on McDowell to East Eleventh Street. Proceed west on Eleventh Street to North Tryon. Proceed south on Tryon Street to the intersection of South Tryon and Independence Boulevard.

Garinger—Begin at the intersection of Central Avenue at Briar Creek Road. Proceed westward on Central Avenue to the intersection of Central and McDowell Street. Proceed north on McDowell to East Eleventh Street and west on Eleventh Street to North Tryon, north on Tryon to Dalton Avenue. West on Dalton to North Graham.

Amendment to Plan for Further Desegregation of Schools

Harding—Begin at the intersection of Summit Avenue and South Tryon Street. Proceed north on South Tryon to West Trade. Proceed west on West Trade to Irwin Creek.

West Charlotte—Begin at the intersection of North Graham and Dalton Avenue. Proceed southeast on Dalton Avenue to North Tryon. Proceed south on North Tryon to the intersection of Tryon and Trade. Proceed west on West Trade to Irwin Creek.

South Mecklenburg—Begin at the intersection of South Boulevard and Scaleybark Road. Proceed north on South Boulevard and Camden Road to the intersection of South Tryon. Proceed southwest on South Tryon in a line to connect with Griffith Street. From Griffith Street, proceed in a line south to Nations Ford Road and the present South boundary. Continue southward on the present boundary.

Metropolitan Senior High School students would be reassigned in this manner:

Receiving School	Number Reassigned	Projected Enrollment		
		White	Negro	% Negro
Harding	240	831	409	33
West Charlotte	185	0	1660	100
Garinger	85	2350	250	9
East Mecklenburg	250	2100	280	12
Myers Park	200	1802	308	15
South Mecklenburg	175	2084	231	10
	1135	9167	3138	

Amendment to Plan for Further Desegregation of Schools

*Transfer Some Students From All Or
Predominantly Negro Schools To
All Or Predominantly White Schools*

The Board of Education has determined that the following schools will experience substantial overcrowding during the 1969-70 school year. The Board of Education therefore proposes to reassign temporarily a portion of such students as follows:

<i>Schools</i>	<i>Number Reassigned</i>
Double Oaks	110
Amay James	225
Lincoln Heights	140
University Park	140
Barringer	280
Villa Heights	225
Lakeview	50
Wilmore	75
	—
	1245

Transportation for these 1245 pupils will be provided. The facilities and other factors of the following schools would provide more desirable educational conditions, and, therefore, such students would be reassigned to receiving schools as follows: Cotswold, Sedgfield, Thomasboro, Chantilly, Devonshire, Enderly Park, Hidden Valley, Midwood, Montclaire, Oakhurst, Pinewood, Rama Road, Starmount, Steele Creek.

Facilities, student body growth and other factors make it impossible to determine at this time the precise allocation of such reassigned students to the receiving schools.

*Amendment to Plan for Further Desegregation of Schools**Restructure Of Attendance Lines*

The Charlotte-Mecklenburg Board of Education has conducted a preliminary review of school attendance lines. This review has revealed that it is possible to further pupil desegregation by a restructuring of attendance areas. Indeed, this restructure may well be the best long-range solution to the further desegregation of the schools.

Thus, the Board intends to undertake the extensive study immediately. The study will require approximately six months to complete. The procedure which the Board intends to use is based upon the concept of systems analysis assisted by computer calculations.

The results of the study will be incorporated in the pupil assignment plans for the 1970-71 school year.

Review Of Construction Program

The Board of Education will institute a comprehensive review of the entire school construction program. The objective of this study will be to locate, construct, and organize school facilities in such a way as to promote desegregation to the extent possible. The study of the current construction program will be completed by February 15, 1970, and a more general long range study will be completed by June, 1970.

In addition to the study of the building program itself, the Board will point out to the Planning Board, the Housing Authority, the Urban Redevelopment Commission, real estate interests, local government officials and other interested parties the extent to which they share the responsibility for bringing about desegregation in this community. This study will also clarify for the community additional building funds which will be needed by the school system in the immediate future.

Amendment to Plan for Further Desegregation of Schools

While the total review of the building program is underway, the Board will conduct specific studies on all sites which it may be necessary to purchase and as each construction project which it may be necessary to begin before the study is completed. The purpose of each specific review is to be assured that each site or project is so developed as to produce the greatest degree of desegregation possible.

Support Programs

It is the opinion of this Board of Education that students and staff members called upon to make adaptations to change should be given support and reinforcement. To this end, the Board plans to initiate, within the funds available, a program of compensatory education for certain students. This program, to be initiated during the 1969-70 school year, will be aimed at assisting those pupils who are behind their classmates in academic achievement.

Furthermore, the Board is well aware that an increase in faculty desegregation will require a more extensive program of in-service education aimed at better teacher orientation and adjustment. To meet this need, the Board has instructed the central office staff to look carefully at the resources available for the task, the obstacles to be overcome, and the specific steps to be taken to see that this task is accomplished during the 1969-70 school year. The objectives of such a program would be to (1) create a willingness to study and change one's own behavior and develop the ability to do this more scientifically, (2) improve the teacher's knowledge of the environment, background, and special learning problems of students in a desegregated setting, and (3) improve the teacher's professional competence—subject matter, knowledge, teaching skills, and classroom performance.

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Amendment to Plan for Further Desegregation of Schools

Grouping Of Schools For Student Exchange

Many schools have experienced significant desegregation moves the past several years. The Board of Education feels that all segments win the school community should share in the tremendous changes encountered in further moves toward desegregation. The Board has sought in the preceding steps to involve large numbers of schools which to this point have been little affected. For the remaining schools which have not been so involved, the Board plans to implement during the 1969-70 school year student exchange programs. Predominantly Negro schools will be paired as matched with predominantly white schools and intensive efforts to produce student contacts through class projects, intramural games, field days, the exchange of students and similar activities will be initiated.

I, William C. Self, Superintendent of the Charlotte-Mecklenburg school system and Secretary to its Board of Education, do hereby certify that the foregoing is a true, perfect and correct copy of the Amendment to the Plan for Further Desegregation of the Mecklenburg School Unit as adopted by the Board of Education on the 22nd day of July, 1969, and spread upon its minutes.

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Amendment to Plan for Further Desegregation of Schools

This the 29th day of July, 1969.

/s/ WILLIAM C. SELF
William C. Self
Secretary to the Board

Respectfully submitted,

/s/ BROCK BARKLEY
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Charlotte, North Carolina

/s/ WILLIAM J. WAGGONER
William J. Waggoner
1100 Barringer Office Tower
Charlotte, North Carolina

*Attorneys for Defendant,
Charlotte-Mecklenburg
Board of Education*

**Report in Connection With Amendment to Plan
for Further Desegregation**

(Filed August 4, 1969)

On July 29, 1969, the Charlotte-Mecklenburg Board of Education submitted its amendment to plan for further desegregation of the schools of the Charlotte-Mecklenburg School Administrative Unit as approved by the Board of Education by official action on July 22, 1969.

The following information is submitted for the information of the Court in consideration of the plan.

Following entry of the order of the Court on June 20, 1969, the Board met, reviewed the order and appointed a subcommittee of five members to investigate, prepare and recommend to the full Board a possible plan for further desegregation of the schools served by the system. The committee met on frequent occasions and several of its members, along with staff members, traveled to Syracuse and Buffalo, New York, to review desegregation procedures employed by those systems. All plans of desegregation submitted in reported cases subsequent to the New Kent County decision were reviewed in search of ideas for possible further desegregation within the system. The staff independently and in conjunction with the committee held numerous meetings and explored various alternatives. Subsequently, on July 22, the committee made its formal recommendation to the Board. The Board of Education adopted the recommendation for amendment to its plan for further desegregation of the schools in the system which was filed herein.

The Board of Education expected to file the plan of desegregation and this report contemporaneously and selected the target date of July 29 for the filing date. By

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Further Desegregation*

reason of difficulty in correlating statistical information, it was determined that the plan of desegregation should be filed as scheduled to prevent further public speculation concerning its contents and that the report should be filed as soon as the information was reasonably available. Accordingly, this report is submitted for the information of the Court for consideration in conjunction with the plan of desegregation.

It is most important that at all times the plan of desegregation be considered in light of the policy statement which commits the Board to a course of desegregation to be accomplished at the earliest possible date.

Admittedly, the first two provisions of the amendment to the plan are interim measures to be utilized during the 1969-1970 school term. In the past, and with Court approval, the Board of Education has closed a substantial number of schools and consistent with its policy of phasing out obsolete schools, the plan provides for closing five elementary schools, one junior high and one senior high school. All students will be reassigned for one school term pending development of a comprehensive restructuring of attendance lines and review of the construction program, which should result in substantial further desegregation.

A similar situation will exist with reference to transfers from overcrowded schools. On restructuring attendance zones, the overcrowding should be remedied for the school term beginning 1970-1971.

The factual data concerning desegregation in the schools for the year 1969-1970 discloses that 13,000 Negro students out of 24,843 will be assigned to schools in which the white student enrollment is ten per cent or more, which percentage was acknowledged by plaintiff's experts to constitute

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a desegregated school. Thus, a predominance of the Negro students in the system will be assigned to desegregated schools this year. At this point, the Board cannot specify the number of students or parents who may object to assignment outside of their former attendance area. Exhibit "A" relating to projected racial composition of pupils and faculty for statistical purposes assumes complete acceptance of reassignment. It is hoped the communities affected will respond in such manner as to assure success of this interim measure.

Prior to reaching the decision to transfer Negro students from their neighborhoods on a temporary basis, the Board of Education found from studies of the school systems in Syracuse and Buffalo, New York, one-way bussing of Negroes was generally acceptable to all segments of those communities.

With reference to transportation of students from closed schools including the junior and senior high schools, Page 2 of the Plan provides: "Transportation will be provided pupils who are reassigned." Students formerly attending Irwin Avenue Junior High and Metropolitan Senior High will be advised prior to the opening of schools of the assembly points for transportation to their new assignment.

At the prior hearing in this matter, the Board of Education advised the Court that transfers from majority to minority racial situations amounts to 332 students, all of whom are black. By reason of the closing of schools, this number will be reduced to 227 as 105 students, though attending the school of their choice, will not be leaving a school in which their race is in the minority by reason of reassignment. Nevertheless, transportation will be furnished for the 105 students.

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*Report in Connection With Amendment to Plan for
Further Desegregation*

Attached marked Exhibit "B" is a summary of the actions taken with respect to free choice of transfer requests processed during the period expiring June 15, 1969. Assignment will be made in conformity with the requests granted.

In its order of June 20, 1969, the Court disapproved the provision of the plan relating to disqualification of athletes on transferring from one school to another. The notice attached as Exhibit "C" will be distributed to all coaches at senior high schools for distribution to all junior and senior varsity athletes. To assure that all freshman athletes entering high school will receive notice, junior high school coaches will distribute the notice to all former ninth grade junior and senior varsity athletes. Attempts will be made to obtain newspaper publicity.

The most significant of the provisions of the Plan relates to the restructuring of attendance lines. The Board's policy in the past has been to establish school lines on a non-racial basis. It is most significant that the Board will undertake to restructure attendance lines for the purpose of achieving further pupil desegregation. Restructuring of attendance lines coupled with a revision of the policy on building schools to promote desegregation should offer the most beneficial and least disruptive method for achieving further desegregation and indeed may offer the best long range solution to the problem.

As an aid in restructuring attendance lines, the Board will utilize a new concept in desegregation. A computer assisted systems analysis approach was suggested to the Board by an interested citizen. He presented a manually prepared illustration which admittedly did not consider all

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of the options available to a computer. However, it indicates that dramatic changes in racial composition of many schools may be achieved.

The Board recognizes that the systems analysis approach is merely one of the aids to assist in restructuring of school attendance lines. However, it will provide extremely helpful information in conforming school lines to natural boundaries which will promote further desegregation. It is expected that this approach will provide even more dramatic desegregation in junior and senior high schools which have larger attendance areas.

Attached marked Exhibit "D", the Court will find the revised building construction program dated July 30, 1969, which reflects the latest revision of this program and is based upon the same criteria employed in formulating prior programs. Attention is called to the fact that it does not reflect any implementation of the Board's new policy of promoting further desegregation. Upon approval of the plan, immediate review of the entire construction program will be initiated to promote the stated Board policy.

Attached marked Exhibit "E" is a copy of the statement made by Dr. Self in making presentation of this plan to the news media.

With reference to faculty desegregation, substantial changes have been made as indicated on Exhibit "A". With few exceptions, schools having black or nearly all black students have white faculties ranging from 40 to 50 per cent of the faculty of such schools. All other schools have significant desegregation. By the school term 1970-1971, further faculty desegregation will be experienced. With respect to the seven closed schools, all members of the

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teaching faculty have been reassigned within the school system. Three of the principals of the closed schools will move to new principalships, two of which will be in predominantly white schools. Four of the principals have been assigned to positions which have equal or greater responsibility on the central staff of the school system. Attached marked Exhibit "F" reflects the new assignments of such principals.

This the 4th day of August, 1969.

Respectfully submitted,

/s/ BROCK BARKLEY
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/s/ WILLIAM J. WAGGONER
William J. Waggoner
1100 Barringer Office Tower
Charlotte, North Carolina

Attorneys for Defendant

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*Report in Connection With Amendment to Plan for
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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Dr. William C. Self, of lawful age, being first duly sworn, on his oath states that he is the Superintendent of Defendant named in the above and foregoing matter and that the facts stated herein are true according to his best knowledge and belief.

/s/ WILLIAM C. SELF
Dr. William C. Self

Sworn and subscribed to before me
this 4th day of August, 1969.

/s/ FAYE JALLEY
Notary Public
My commission expires: 3-27-71

The Charlotte-Mecklenburg Schools
COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
October 1, 1968-69 and 1969-70 (Estimated)

School	Pupils						Staff					
	1968-69			1969-70, Est.			1968-69			1969-70, Est.		
	B	%	W	B	%	W	B	%	W	B	%	W
	B (other)		B (other)	B (other)		B (other)	B (other)		B (other)	B (other)		B (other)
Albemarle Rd.	4 1% 499	* 53 10% 502		6 30% 13		6 30% 14						
Alexander Street	257 100%	Closed		11 100%		Closed						
Allenbrook	50 10% 452	55 11% 465		2 10% 18		5 24% 16						
Ashley Park	0% 553	* 75 12% 575		2 9% 20		6 23% 20						
Bain	25 3% 699	25 3% 735		1 3% 28		5 19% 25						
Barringer	668 34% 131	500 90% 55		13 40% 18		14 44% 18						
Berryhill	119 15% 685	100 12% 715		2 6% 32		6 18% 27						
Bethune	223 91% 3	Closed		11 100%		Closed						
Beverly Woods	0% 286	* 75 12% 550		1 8% 12		6 21% 16						
Billingsville	619 100% 2	605 100%		25 100%		15 60% 10						
Briarwood	8 1% 640	* 55 9% 665		3 12% 22		6 21% 22						
Bruno	740 91% 4	793 100% 2		26 93% 2		21 70% 9						
Chantilly	2 0% 491	* 42 8% 503		1 5% 21		4 19% 17						
Clear Creek	53 10% 225	60 19% 260		1 8% 12		3 23% 10						
Collinswood	72 13% 490	70 12% 510		1 5% 21		4 17% 19						
Cornelius	239 43% 252	230 48% 250		7 33% 14		5 26% 14						
Cotswold	11 2% 567	* 75 12% 545		1 5% 21		4 18% 18						
Davidson	101 33% 186	100 36% 190		1 3% 11		2 15% 11						
Marie Davis	705 100%	695 100%		29 100%		14 50% 14						
Derita	165 18% 728	140 16% 720		3 9% 32		6 17% 29						
Devonshire	64 889	* 110 11% 935		4 10% 37		7 17% 34						
Dilworth	223 31% 355	225 43% 295		4 15% 22		6 24% 19						
Double Oaks	800 100%	700 100%		32 100%		19 61% 12						
Druid Hills	504 99% 3	512 99% 3		20 100%		12 60% 8						
Eastover	49 81% 580	50 8% 570		1 4% 24		4 16% 21						
Elizabeth	270 58% 194	310 67% 150		2 9% 21		4 19% 17						
Gardner Park	2 1% 374	* 57 13% 393		1 6% 15		3 17% 13						
Fairview	363 100%	Closed		19 100%		Closed						
First Ward	749 100%	825 100%		30 100%		16 52% 15						
Hickory Grove	80 13% 531	80 14% 505		1 4% 23		4 17% 19						

Does not include staff assigned to more than one school per HEW request.
N is nearest whole per cent that N is of total

* In 1969-70 as increased by schools which are closed

* During 1968-70 as increased to relieve overcrowded schools
 (which are underlined)

(WCC)

A

499a

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
(Continued)

School	Pupils				Staff			
	1968-69		1969-70, Est.		1968-69		1969-70, Est.	
Elementary	B	% W	B	% W	B	% W	B	% W
	B (other)		B (other)		B (other)		B (other)	
Hidden Valley	0 977	*140	12% 1025		2 5%	35	7 17%	34
Highland	47 13% 324	70	19% 305		1 7%	14	2 13%	14
Hoskins	18 6% 261	25	10% 235		2 15%	11	2 17%	10
Huntersville	162 22% 560	165	23% 560		2 7%	25	5 19%	22
Huntingtowne Farms	7 11% 695	*67	10% 573		1 4%	26	5 19%	21
Idlewild	2 0% 521	*52	14% 573		1 4% 22		6 23%	20
Amay James	477 100% 1	300	100%		19 100%		13 65%	7
Lakeview	269 65% 147	345	84% 65		14 14% 5		12 60%	8
Lansdowne	61% 758	*75	9% 770		1 3% 30		6 18%	27
Lincoln Heights	817 100% 2	625	100%		30 100%		16 55%	13
Long Creek	250 35% 466	255	35% 400		2 7% 26		5 18%	23
Matthews	93 11% 742	95	11% 765		1 3% 32		6 17%	26
Merry Oaks	0% 469	*45	9% 460		1 5% 19		4 17%	17
Midwood	1 0% 522	*65	11% 505		2 9% 21		4 17% 19	
Montclaire	0% 722	*65	10% 730		1 4% 27		5 18% 23	
Myers Park	23 4% 543	*70	13% 435		1 4% 23		4 17% 19	
Nations Ford	63 10% 585	65	9% 560		1 4% 25		5 17% 22	
Newell	73 15% 423	60	11% 435		1 5% 18		4 20% 16	
Oakdale	72 13% 480	70	12% 505		1 5% 21		4 17% 17	
Oakhurst	2 0% 615	*53	8% 647		1 4% 23		4 16% 21	
Oaklawn	650 100%	.570	10%		25 93% 2		11 48%	12
Olde Providence	10 21% 434	*100	16% 535		1 6% 17		6 24% 19	
Park Road	69 551	*60	10% 540		1 5% 21		7 30% 16	
Paw Creek	63 11% 861	.48	6% 707		1 3% 31		6 18% 28	
Pineville	168 32% 363	170	31% 330		1 5% 21		4 17% 19	
Pinewood	0% 707	*120	14% 735		1 4% 26		5 19% 22	
Plaza Road	99 19% 409	115	23% 375		1 5% 21		4 19% 17	
Rama Road	2 0% 777	*32	9% 790		2 17% 27		5 17% 24	
Sedgefield	7 11% 545	*70	11% 570		2 9% 20		4 18% 18	
Selwyn	5 1% 598	*78	11% 617		1 4% 22		5 19% 21	
Shamrock Gardens	0% 539	*60	10% 535		1 5% 20		6 25% 18	
Sharon	0% 519	*90	18% 410		1 5% 20		5 24% 16	
Starmount	25 31% 713	*95	11% 775		1 3% 28		5 16% 26	
Statesville Road	295 36% 534	300	36% 525		3 9% 29		6 19% 25	
Steele Creek	12 2% 531	*80	13% 550		1 5% 20		4 18% 18	

Gwen Cook Cinner

15 6% 180

500a

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
(Continued)

School	Pupils						Staff					
	1968-69		1969-70, Est.				1968-69		1969-70, Est.			
Elementary	B	%	W	B	%	W	B	%	W	B	%	W
	B	(other)	B	B	(other)	B	B	(other)	B	B	(other)	B
Thomasboro	64	705	*140	17%	620		2	1%	25	5	19%	22
Tryon Hills	241	59%	245	240	51%	230	1	5%	20	3	16%	16
Tuckaseegee	61	10%	553	60	10%	540	1	4%	23	4	17%	19
University Park	777	100%		610	100%		30	91%	1	21	72%	8
Zeb Vance	257	100%			Closed		11	100%			Closed	
Villa Heights	796	84%	126	650	92%	60	23	62%	14	21	55%	17
Westerly Hills	61	569	*75	12%	570		1	4%	22	5	19%	22
Gilmore	145	33%	293	200	43%	265	8	40%	12	10	43%	13
Windsor Park	2	64%	737	*77	9%	768	1	4%	27	6	18%	27
Winterfield	67	68%		*75	9%	715	1	4%	26	6	19%	25
Isabelle Wyche	222	100%			Closed		12	100%			Closed	
 Child Development (K-12 Units)												
Diamond Hill	13	41%	117	80	40%	120	3	30%	7	3	30%	7
Greenville #2	166	82%	37	165	83%	35	2	10%	8	6	80%	2
Seversville #3	174	37%	26	176	38%	24	3	80%	2	7	70%	3
Morgan, #4	183	91%	6	190	95%	10	8	80%	2	2	20%	8
Total	13,930	30%	14,183	31%			501	27%	510	27%		
Elementary	31,816		31,991				1356		1334			

**COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
(Continued)**

School	Pupils						Staff					
	1968-69			1969-70, Est.			1968-69			1969-70, Est.		
Junior High	B	%	W	B	%	W	B	%	W	B	%	(other)
	B	(other)	B	B	(other)	B	B	(other)	B	B	(other)	
Albemarle Road	66	17%	801	60	6%	960	4	9%	43	7	11%	35
Alexander	347	31%	755	375	33%	775	6	12%	44	8	16%	42
Cochrane	765	14%	1444	75	5%	1495	6	10%	56	11	17%	33
Coulwood	119	14%	727	110	12%	785	4	11%	34	6	17%	30
Eastway	301	13%	1364	*183	12%	1357	3	5%	55	11	17%	52
Alex. Graham	81	10%	14	*145	12%	1045	4	9%	43	8	17%	40
Hawthorne	492	52%	447	535	49%	540	12	21%	33	13	27%	35
Irwin Ave.	666	10%	16	Closed			32	91%	1		Closed	
McClintock	464	11%	1228	*200	13%	1325	2	4%	49	10	16%	52
Northwest	932	100%	1	1050	100%	1	39	100%	1	22	55%	12
Piedmont	428	84%	53	430	92%	35	13	52%	12	13	46%	15
Quail Hollow	171	12%	1261	172	12%	1318	3	5%	61	10	16%	53
Randolph	272	28%	711	255	26%	750	2	5%	31	9	20%	35
Ranson	253	30%	516	290	34%	550	6	14%	31	9	24%	25
Sedgefield	189	19%	802	200	22%	730	5	11%	39	8	19%	35
Smith	0	0%	1319	*90	6%	1470	3	5%	57	9	14%	54
Spaugh	106	19%	71	200	18%	935	6	12%	43	10	22%	36
Williams	863	100%	1	850	100%	1	37	100%	1	22	56%	17
Wilson	~605	71	132	*135	11%	1140	4	8%	45	9	18%	40
York Rd. (Kennedy)	727	97%	6	850	99%	5	32	97%	1	20	55%	16
Learning Academy - 7th & 8th grades counted in JH, above,							5	19%	21	4	30%	9
Total	5,934	29%	6,195	29%			228	24%	219	30%		
Junior High	14,741						706					697

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COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
(Continued)

School	Pupils						Staff					
	1968-69			1969-70, Est.			1968-69			1969-70, Est.		
	B	%	W	B	%	W	B	%	W	B	%	(other)
Senior High												
West Mecklenburg	15587	1739		* 330 14%	2050		6 1%	25	17	16%	92	
Garinger	20291	2157		* 335 13%	2265		6 6%	102	20	17%	99	
Hardin	16917	1814		* 450 36%	800		4 8%	49	10	16%	54	
Independence	9297	962		11510%	1035		6 9%	59	12	18%	55	
Myers Park	15884	1855		* 345 16%	1765		6 6%	37	17	17%	34	
North Mecklenburg	41024	41109		49030	41170		6 9%	63	13	17%	64	
Olympic	25933	4522		32038%	4520		5 11%	39	10	22%	36	
Second Ward	1139100%	3		Closed			57 95%	3		Closed		
South Mecklenburg	106641	1112		* 260 11%	2055		4 5%	73	17	17%	85	
West Charlotte	1569100%			* 1650 100%			74 93%	6	55	66%	28	
West Mecklenburg	11884	1340		160 10%	1415		4 5%	73	14	17%	61	
Total												
Senior High	4,377	24%		4,465	25%		178	22%	219	24%		
	12,313			13,075			644		697			

CORRECTED JULY 28, 1969

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CHARLOTTE-MECKLENBURG JUNIOR HIGH SCHOOLS

	Enroll- ment	Requests to enter granted	Requests to leave	Net change	Back to original assgn.	Granted as 2nd choice	Summary July 1	Final Summary
ALBEMARLE ROAD	1032	0	10	-10	7	0	-3	1029
ALEXANDER	1174	0	20	-20	4	0	-16	1158
COCHRANE	1566	0	2	-2	1	0	-1	1565
COULWOOD	869	29	10	+14	4	10	+28	897
EASTWAY	1353	0	4	-4	5	0	+1	1354
ALEXANDER GRAHAM	991	55	2	+53	0	8	+61	1052
HAWTHORNE	1079	16	126	-110	103	3	-4	1075
IRWIN AVENUE	619	14	27	-13	0	0	-13	606
ROBERT F. KENNEDY	932	21	111	-90	15	0	-75	857
McCLINTOCK	1320	0	9	-9	4	0	-5	1315
NORTHWEST	1011	32	55	-23	37	1	+15	1059
PIEDMONT	501	15	59	-44	9	0	-35	466
QUAIL HOLLOW	1476	7	9	-2	4	2	+4	1480
RANDOLPH	996	14	58	-44	27	12	-5	941
* RANSON	823	0	3	-3	2	0	-1	822
* SEDGEFIELD	940	30	93	-13	0	0	-13	927
* SMITH	1452	21	7	+14	3	0	+17	1469
SPAULDING	1049	49	29	+20	9	26	+55	1144
WILLIAMS	855	15	32	-17	9	3	-5	850
* WILSON	1204	0	5	-5	0	0	-5	1199
LEARNING ACADEMY								

Schools closed out for transfer requests:

Code: * - All Requests
** - Regular Requests

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CHARLOTTE-MECKLENBURG SENIOR HIGH SCHOOLS

	ENR	W.H.	SOC	2000	COLLEGE	PERS	SEMESTER	INTERMEDIATE
EAST MECKLENBURG	2057	41	32	+9	16	2	+27	2116
GARINGER	2698	37	62	-25	5	0	-20	2523
HARDING	974	132	24	+108	3	2	+113	1107
INDEPENDENCE	1121	25	6	+19	1	2	+22	1143
METROPOLITAN	956	29	129	-100	2	0	-98	858
MYERS PARK	1914	23	34	-11	5	0	-6	1908
NORTH MECKLENBURG	1618	20	26	-6	6	0	0	1618
OLYMPIC	899	38	31	+7	4	3	+14	863
SOUTH MECKLENBURG	2152	3	24	-21	9	0	-12	2140
WEST CHARLOTTE	1518	44	103	-59	0	2	-57	1461
WEST MECKLENBURG	1572	22	21	+2	0	1	+3	1575

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CHARLOTTE-MECKLENBURG ELEMENTARY SCHOOLS

	Enroll- ment	Requests to enter granted	Requests to leave	Net change	Back to original 2558.	Granted as 2nd choice	Summary July 1	Final summary
Albemarle Road	506	11	14	-3	0	2	-1	505
Alexander Street	141	57	3	+34	0	0	+34	175
Allenbrook	513	12	3	+9	0	0	+9	522
Ashley Park	522	37	4	+33	0	1	+34	556
* Bain	768	0	6	-6	0	0	-6	762
* Barringer	870	0	34	-34	3	0	-31	839
Berryhill	776	14	4	+10	3	1	+14	790
Bethune	166	0	4	-4	0	0	-4	162
Beverly Woods	546	15	10	+5	0	0	+5	551
Billingsville	617	0	16	-16	0	0	-16	601
** Briarwood	719	0	7	-7	2	0	-5	714
Brun's Avenue	800	2	5	-3	0	0	-3	797
Chantilly	499	11	4	+7	0	0	+7	456
* Ciccar Creek	304	0	3	-3	0	0	-3	301
Collinswood	554	7	7	0	0	0	0	554
Cornelius	462	9	7	-4	2	0	-2	460
Cotswold	532	29	4	+25	0	0	+25	557
Davidson	289	2	0	+2	0	0	+2	291
Marie Davis	679	17	2	+15	2	0	+17	696
Derita	834	12	8	+4	7	2	+13	849
* Devonshire	902	0	7	-7	3	0	-4	898
Dilworth	500	5	22	-17	0	0	-17	483
Double Oaks	802	6	6	0	0	0	0	802
Druid Hills	518	5	8	-3	0	0	-3	515

Schools closed out for transfer requests:

Code: * - All Requests
 ** - Regular Requests

	Enrollment	Requests to enter grant	Requests to leave	506a	Net change	Back to original assignment	Granted as 2nd choice	Summary July 1	Final Summary
Lastover	610	11	13	-2	0	0	-2	608	
Elizabeth	515	14	73	-59	1	0	-58	457	
* Enderly Park	388	22	9	+13	0	0	+13	401	
Fairview	321	4	1	+3	0	0	+3	324	
First Ward	821	5	0	+5	0	0	+5	826	
* Hickory Grove	579	0	4	-4	1	0	-3	576	
* Hidden Valley	1005	0	1	-1	2	0	+1	1006	
Highland	367	4	4	0	0	0	0	367	
Hoskins	263	2	20	-18	0	0	-18	245	
Huntersville	684	11	2	+9	0	0	+9	693	
Huntingtowne Farms	557	5	4	+1	0	0	+1	558	
Idlewild	550	9	12	-3	0	0	-3	547	
* May James	544	0	24	-24	2	0	-22	522	
Lakeview	476	1	21	-20	0	0	-20	456	
Lansdowne	737	11	3	+8	1	1	+10	747	
Lincoln Heights	704	4	12	-8	3	1	-4	700	
* Long Creek	736	0	31	-31	5	0	-26	710	
Matthews	857	7	6	+1	0	0	+1	858	
Merry Oaks	445	2	10	-8	0	0	-8	437	
Midwood	485	14	13	+1	4	0	+5	490	
Montclaire	718	13	4	+9	1	5	+15	733	
Myers Park	490	14	9	+5	0	0	+5	495	
Nations Ford	713	14	10	+4	3	0	+7	720	
Newell	553	3	16	-13	2	3	-8	555	

Schools closed out for transfer requests:

Code: * - All Requests
** - Regular Requests

	Enrollment	Requests to enter granted	Requests to leave	Net Change ^a	Back to original assignment	Granted as 2nd choice	Summary July 1	Final Summary
Oakdale	543	29	2	+27	2	0	+29	572
Oakhurst	591	12	7	+5	3	0	+8	599
Oaklawn	574	2	13	-11	2	0	-9	565
Olde Providence	482	5	2	+3	0	0	+3	485
Park Road	530	16	9	+7	0	1	+8	538
* Paw Creek	930	0	4	-4	0	0	-4	926
Pineville	547	1	8	-7	0	0	-7	540
Pinewood	714	4	11	-7	0	0	-7	707
Plaza Road	490	9	20	-11	5	1	-5	485
* Rama Road	739	0	2	-2	0	0	-2	737
Sedgefield	542	3	7	-4	0	0	-4	538
Selwyn	581	19	2	+17	0	0	+17	598
Shamrock Gardens	495	27	7	+20	3	0	+23	518
Sharon	387	8	33	-25	0	0	-25	362
* Starmount	743	2	3	-1	0	0	-1	742
* Statesville Road	825	7	12	-5	2	0	-3	822
* Steele Creek	534	0	10	-10	0	0	-10	534
Thomasboro	681	17	21	-4	0	1	-3	678
Tryon Hills	482	5	21	-16	2	0	-14	448
Tuckaseegee	594	9	2	+7	1	0	+8	602
University Park	751	11	4	+7	0	0	+7	558
Zeb Vance	227	0	2	-2	0	0	-2	225
* Villa Heights	938	0	16	-16	0	0	-16	922
* Westerly Hills	527	0	9	-9	2	0	-7	520
Wilmore	603	4	16	-12	0	3	-12	48
Windsor Park	799	13	8	+5	1	0	+6	805

Schools closed out for transfer requests:
 Code: * - All Requests ** - Regular Requests

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CHARLOTTE-MECKLENBURG SCHOOLS
CHARLOTTE, N. C.

August 4, 1969

NOTICE TO ALL STUDENTS PARTICIPATING IN HIGH SCHOOL ATHLETICS

Under the revised pupil assignment guidelines adopted by the Board of Education, that section dealing with varsity athletics which requires a student exercising freedom of choice to lose his eligibility to participate in varsity or junior varsity athletics during his first year at the school of assignment is revoked. Under the new provisions a student who exercises freedom of choice will be eligible to participate in varsity or junior varsity athletics immediately upon enrollment at the school to which he is assigned. In the case there was a student who did not exercise freedom of choice last spring because of this reason, he may now do so by contacting the principal of the school where he has been assigned.

C

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PROJECT STATUS REPORT

March 5, 1968
Revised June 27, 1968
Revised Nov. 11, 1968
Revised Jan. 27, 1969
Revised July 30, 1969

Charlotte-Mecklenburg Schools
Five-Year Construction Program (1967-72)

1. There are 91 building projects to be undertaken in the 1967 bonds.
2. At the present time these projects may be divided into stages as follows:

A. Projects completed	\$ 8,805,000
B. Projects under construction	7,600,000
C. Projects approved for bidding	3,050,000
D. Projects approved and in the planning stage	3,950,000
E. Projects approved by Board	4,600,000
F. Projects approved by staff	2,865,000
G. Projects not yet acted upon	<u>4,800,000</u> <u>\$35,670,000</u>

D

A. <u>Projects completed</u>	<u>\$ 8,805,000</u>
1. Huntingtowne Farms	
2. Hidden Valley	
3. First Ward	
4. Starmount	
5. Quail Hollow Jr.	
6. Pineville	
7. Olde Providence	
8. Albemarle Road Elem.	
9. Steele Creek	
10. Bruns Avenue	
11. Alexander Jr.	
12. Idlewild	
13. Collinswood	
14. Corhrane Jr.	
15. Huntersville	
16. Lansdowne	
17. Chantilly	
18. Westerly Hills	
19. Beverly Woods	
20. Statesville Road	

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B. <u>Projects under construction</u>	\$ 7,600,000
1. Northwest Jr.	
2. Independence Sr. Hi.	
3. Matthews	
4. Smith Jr.	
5. East Mecklenburg	
6. Bain	
7. Tryon Hills	
8. Allenbrook	
9. Harding	
10. Long Creek	
11. Clear Creek	
12. Hawthorne	
13. Project 600	
14. Enderly Park	
15. Wilson Jr.	

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C. Projects approved for bidding \$ 3,050,000

1. Myers Park Sr.
2. Coulwood
3. Amay James
4. Barringer
5. Hickory Grove
6. Ranson Jr.
7. Albemarle Rd. Jr.
8. North Mecklenburg
9. South Mecklenburg

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D. Projects approved and in planning stages \$ 3,950,000

Elementary

1. Center City *

Junior

1. Alex. Graham

Senior

1. Metropolitan *

2. Spaugh

* Hold action

Totals \$ 750,000 \$ 1,200,000 \$ 2,000,000

515a

E. Projects approved by Board \$ 4,600,000

1. Lincoln Heights
2. University Park
3. Villa Heights
4. Highland
5. Fairview *
6. Moores Chapel
7. Allen Hills
8. Wilora Lake

* Hold action

516a

F. <u>Projects approved by staff</u>	\$ <u>2,865,000</u>
<u>Elementary</u>	<u>Junior</u>
1. Lakeview	1. Sedgefield
2. Druid Hills	2. McClintock
3. Briarwood	
4. Billingsville	
5. Shamrock Gardens	
6. Marie Davis	
7. Cotswold	
8. Ashley Park	
9. Sedgefield	
10. Nations Ford	
11. Montclaire	
12. Pinewood	
13. Tuckaseegee	
14. Oakhurst	
15. Merry Oaks	
Total	\$ <u>2,065,000</u>
	\$ <u>800,000</u>

6. Projects not yet acted upon \$ 4,800,000

<u>Elementary</u>	<u>Junior</u>
1. Paw Creek	1. York Road
2. Cornelius	2. Irwin Avenue *
3. Newell	3. Piedmont
4. Derita	4. J. H. Gunn
5. Berryhill	Total - \$ <u>1,450,000</u>
6. Midwood	
7. Wilmore	
8. Elizabeth	
9. Eastover	
10. Myers Park	
11. Davidson	
12. Thomasboro	
13. Park Road	
14. Selwyn	

* Hold action

Total \$ 3,350,000

Exhibits Attached to Foregoing Report, Etc.

The Charlotte-Mecklenburg Board of Education is about to file its plan for further desegregation of the School System. The Board is aware of the tremendous impact which this action promises to have on the community. Board members also know that the matter of how the plan is received is, in large measure, dependent upon how well it is understood by the community. It is imperative, therefore, that the community know the plan and its implications. The Board knows of no way to engender support for an idea superior to the simple act of "telling it like it is." It is in this spirit that these words are offered in answer to three questions in the minds of responsible Charlotte-Mecklenburg citizens as this time. They are:

- I. What does the plan seek to do?
- II. What are the implications of the plan?
- III. What will it take to make the plan work?

Speaking to the first question, "What does the plan seek to do?"

1. The first part of the plan is most significant for in this section the Board states a policy regarding desegregation. The policy statement begins by reasserting an old belief that every individual should have equal opportunity to develop his capabilities to the fullest. It affirms the long held principle that equality of educational opportunities should be without regard to socio-economic, ethnic, religious, or racial differences. It states that equality of educational opportunity can best be provided by attempting to negate the burdens and handicaps imposed upon people by varied circumstances, backgrounds, and environmental differences. And then the Board makes a very

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important statement which I quote, "In this light, the Board of Education firmly believes further desegregation of students and professional staff will contribute to the educational and social development of all children." Finally, the Board commits itself to a course of action by stating that "the desegregation of students should be coordinated with desegregation of teachers, principals and staff members and that the desegregation should be accomplished at the earliest possible date." Next, the plan outlines the steps which are to be taken to achieve this goal.

First, the Board proposes to close several schools and reassign the students (parents permitting) to other schools in the system so as to achieve the twin purposes of better educational offering for those reassigned and further desegregation for the system.

Next, the plan proposes to draw off from overcrowded all or predominantly Negro schools a number of students and reassigning them to other schools presently experiencing minimal desegregation.

Third, with the help of local experts skilled in the art of systems analysis, the Board proposes to begin an extensive study of attendance areas. The purpose of this study would be to determine whether or not alteration of certain attendance areas would result in more desegregation.

The Board proposes to undertake an extensive study of the school system's construction program to determine the effect of planned new construction on the racial composition of the schools. The Board plans to coordinate this study with other groups within the city which have a share of this responsibility.

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The Board plans to initiate certain programs which would give support and reinforcement to students and teachers called upon to make adaptations to change. The aid to pupils will be through a compensatory education program. Teachers will have support through an orientation and in-service education program whose objectives will be to improve the teachers' knowledge of the environmental background and special learning problems of students in a desegregated setting.

Lastly, the Board of Education feels that the burden of this problem should be shared by all sections of the school community. To accomplish this purpose, the Board has asked the staff to explore the possibilities of student exchange programs, school pairing, and other techniques aimed at involving those schools in the system which, at this point, have had only minimal contact with members of the opposite race.

Now to the second question, "What are the implications of the plan?"

This question could be approached from several different directions. Let's approach it statistically first. Seven center city schools will be closed and approximately 3000 students will be reassigned. This is not the first round of school closings. Up to this point, 16 other schools in the city and county have been closed. By and large these schools served a dual school system. They are ill-adapted to a unitary school organization. As a group they are old to the point of being obsolete. Bethune, for example, is 57 years old. While the youngest, Irwin Avenue, is 34. They stand on small sites which someone in the past managed to wrestle away from a growing city—1.17 acres at Isabella Wyche, 2.30 acres at Bethune, 7.26 acres at

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Second Ward, etc. Their combined enrollment has dwindled sharply from 4442 in 1965 to less than 3000 projected for this fall—a 33½% loss in four years. Certainly the closing of these schools can be defended administratively.

But what are the implications of the plan from the standpoint of the cost? The Board intends to offer the transferred students transportation. This will cost money both to buy the equipment and to operate this equipment. The Business Service Department estimates that we would need to spend an additional \$98,000 for the extra vehicles needed and that the operating cost would be about \$30 per pupil or about \$90,000. By comparison, commercial transportation costs are estimated at \$45 per pupil or \$135,000 for the year. A maximum estimate of transportation cost for the 3000 pupils from the seven closed schools using our own department would be about \$188,000.

It is estimated that 39 additional relocatable classrooms would be needed to increase the capacity of the receiving schools. The cost of purchasing and equipping these units is estimated at \$330,000. Delivery on these units will take 6 to 8 weeks. The first 5 to 10 units could be in operation by the middle of September and we might expect a one per day delivery rate from that point.

There are, however, some figures which might be examined on the other side of the ledger. The \$383,000 slated for purchase of a few additional acres for the Metropolitan High School site could be used for other purposes. The \$100,000 used to add to the Zeb Vance property could be reclaimed through sale. Bond monies tentatively allocated to some of these schools could be restudied. Much of the property could be declared surplus and sold.

But the question, "What are the implications of the plan?" could be approached from still another point of view—the student's and the school program.

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The students who are being moved from center city schools will have some adjustment problems. The system is proposing to help them make this adjustment. The students in the receiving schools will find some adjustments necessary. Again, every effort will be made to help make this transition a smooth one.

The students from the center city have generally been achieving below the students in the receiving schools. This move will make it possible to attack the problem. Nevertheless, we should not expect a dramatic improvement in achievement during the first year. Some improvement will be registered but the main effect will take place over a period of years. On the other hand, the achievement of youngsters in the receiving schools will not be adversely affected. There is ample evidence that this does not occur in spite of the fears on the part of some that this might happen.

The PTA's and school committees in the receiving school will need to make plans to incorporate new parents in their activities and programs else the very objectives of any move toward desegregation will be lost.

Finally, the net result of this move will be to place some 3000 youngsters from closed schools and 1200 youngsters from overcrowded schools in learning environments where their chances for success will be greatly enhanced.

And now, finally, let's consider the important question, "What will it take to make the plan work?"

Certainly, it will take commitment to action by the Board of Education—united action, if possible—action by a democratic majority, if necessary. But the community must know that the Board is willing to lead the way. I feel events of the past month demonstrate that the Board is ready to do this.

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Commitment on the part of the Board must be matched by commitment on the part of the professional staff. I am convinced by the tremendous support offered by principals and central office staff members and by the very favorable progress we have made in faculty desegregation that the commitment is there.

Certainly, the plan will have a better chance of success if it is generally accepted by those who are directly affected. Parents of students who are involved must see in this plan a better educational opportunity for their child.

In order for this plan to succeed there must be an outreach on the part of the receiving school. This must be more than a casual letter of greeting. Vital programs must be developed which will at one and the same time demonstrate true concern and insure incoming students and parents that they will not be regarded as outsiders but will have a place in the school's life and program.

Finally, in order for the plan to succeed there must be a commitment on the part of the community as a whole. The policy adopted by the Board of Education must be adopted by the community and by certain agencies and forces within the community. The majority of the people must truly believe that it is in the best interest of a democratic society to afford equal opportunities to all people regardless of race, creed, color or economic circumstances.

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*Exhibits Attached to Foregoing Report, Etc.*Approved
7-31-69

PROPOSED ADMINISTRATIVE CHANGES

	From	To
E. E. Waddell	Prin.-Second Ward	Asst. to Superintendent
Gerson Stroud	Prin.-Kennedy	Prin.-P-600*
Asaac Graham	Prin.-Irwin Ave.	Prin.-Kennedy
John Kibler	Prin.-Bethune	Prin.-Lakeview
Mrs. Mathilda Spears	Prin.-Zeb Vance	Prin.-Park Road
B. G. Whisnant	Prin.-Elizabeth	Prin.-Hidden Valley
B. D. Roberts	Prin.-Isabella Wyche	Prin.-Elizabeth
O. N. Freeman	Prin.-Lincoln Heights	Adm. Asst.-Personnel
Louis Hughes	Prin.-Alexander Street	Prin.-Lincoln Heights
W. G. Byers	Prin.-Fairview	Adm. Asst.-Elem. Ed.

* Mr. Stroud will serve as Administrative Assistant until such time as the school is completed.

Transcript of August 5, 1969 Proceedings (Excerpts)**【4】 * * ***

DR. WILLIAM C. SELF, a witness for the defendant, having first been duly sworn, was examined and testified as follows:

【5】 Direct Examination by Mr. Waggoner:

Q. Dr. Self, you are Superintendent of the Charlotte-Mecklenburg Board of Education? A. I am.

Q. Dr. Self, are you familiar with the order of the Court dated June 20, 1969? A. Yes.

Q. Did the Board of Education meet to review the order of the Court? A. Yes, it did.

Q. What meetings were held by the Board of Education and any committees? A. There was a meeting of the Board of Education a few days after the Court order was issued. As I recall, the major objective of this meeting was to ask the Board attorney to review the Court order. It was discussed thoroughly by the Board of Education at that time. A second meeting of the Board of Education was set, at which time the Board directed the staff to take the plan for desegregation prepared by the plaintiffs, referred to as the Finger plan, and present it to the Board of Education for their study. There was this second meeting, then, following it at which time the staff endeavored as best it could to interpret the Finger plan for desegregation to the Board of Education, using audio-visual slides, overlays, maps, things of this nature. After 【6】 considerable discussion by that Board of Education at that meeting, it was determined that the Board should attempt to devise a plan for desegregation and they also determined that this work should be assigned to a committee of the Board rather than to the Board as a whole. Five members

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of the Board of Education were appointed to this committee and three staff members worked with the committee. The committee itself held quite a few meetings. The first one that I recall was on July 3. There was another meeting on the 11th, the 19th, the 21st and 22nd. Most of these meetings were for long periods of time, lasting for half a day or thereabouts. Meanwhile, the committee, or at least members of the committee, visited other school systems to see what was going on there and also spent a good bit of time studying other court cases, the objective being to identify for further study some of the approaches used to achieve desegregation.

Q. Which systems did you study? A. We communicated by telephone with several school systems in an attempt to determine whether or not the approaches they were using could say anything to us. In contacts with Buffalo and Syracuse, New York, we did determine that it probably would be worth our while to pay them a visit, an on site visit.

Q. How much time was spent on these visits? A. As I recall, the trip took a little better than two days.

¶7] Q. Did this special sub-committee report back to the committee as a whole? A. Yes, it did.

Q. Now, with reference to the plan of desegregation, the first portion deals with the policy statement. Did the Board spend much time on the policy statement? A. I feel the Board spent considerable time on the policy statement.

Q. Does this policy statement reflect any departure from former Board policy? A. Yes, it does.

Q. In what way? A. Well, I believe in the Court order of June 20 one of the findings was that the Board did not acknowledge a responsibility for bringing about the desegregation of schools, saying that children were assigned

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by neighborhoods. In this policy statement the Board does acknowledge that it has a responsibility. I think that the key phrase in the policy statement is the one which is found in the fourth paragraph which says: The Board of Education firmly believes further desegregation of students and professional staff will contribute to the educational and social development of all children. A statement of belief. And then a statement which, at least in my opinion, in a commitment: The Board is further of the belief that desegregation of students should be coordinated with [8] desegregation of teachers, principals and staff members, both of which should be accomplished at the earliest possible date.

Q. Now, the first actual implementation of this policy statement appears to be with reference to closing some seven schools. A. That is correct.

Q. Now, what was the reasoning of the Board for closing these particular schools? A. I feel that there are some administrative reasons. The schools themselves are old to the point of being obsolete. Bethune is the oldest one and it's 57. Irwin Avenue is the youngest and it's 34 years old. All of the schools sit on inadequate sites, sites which could be expanded only at rather sizeable cost. The enrollment of the schools has decreased over the past several years. I believe that statistics show that the enrollment of all of the seven schools combined has decreased by approximately 33½% since 1965.

Q. Now were the schools selected to which these students would be reassigned? A. Some of the schools that were selected had some space but by and large the criteria which was used was to find schools in some of the sections of Charlotte which had experienced up to this particular point minimum desegregation and which had good educational programs into which these youngsters might fit.

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Q. From an educational standpoint is this a desirable move? **[9]** A. In my opinion, it is.

Q. Why do you feel this is educationally desirable? A. Well, I think from the standpoint of an educator moving youngsters from one geographic area to another has been defended down through history on the basis of improving his educational opportunity. I think that this is the rationale that prevailed in the Mecklenburg County system when Bain and Matthews and Sterling and some of the smaller schools were replaced by larger consolidated schools. Here the movement was from an environment which offered limited educational opportunity to one that offer a greater potential, and I think that the same rationale could be applied here.

Q. Under this plan that's proposed, primarily blacks would be the only ones bused. Why are only blacks bused under this plan? A. Well, the predominant number, of course, would be Negro youngsters. There is one provision that might pick up some youngsters from the disadvantaged neighborhoods who are white and bus them to other areas as well, but I think it's because the blacks are found in this particular area of the disadvantaged.

Q. What is the motivation from an educational standpoint for busing these blacks out of these disadvantaged neighborhoods? A. To provide a better educational opportunity and at that same time accomplish further desegregation of the system.

[10] Q. Will these schools to which they are transferring operate better educational programs? A. I think that for the youngsters who are moved into these schools, the educational opportunities will be enhanced. I certainly do not think that the educational program for the youngsters who are already there will be lessened in any degree.

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Court: Mr. Marshal, it may be that these people in the hall can keep order among themselves if I tell them they will have to close the doors unless the noise from the hall is kept down. Can you people in the back of the hall hear me? We will have to close the doors unless there is less noise in the hall.

Go ahead.

Q. Dr. Self, with reference to the black schools which are being closed, could they be operated for another year? A. Yes, they could be operated another year. I think that you'd have to take into account, again, some of the things which I mentioned, the age of the building, the limited facilities, but yes.

Q. Have most of these schools been on the drawing board for closing out for sometime in the school system? A. Yes. As a part of the thirty-five million dollar construction program it was anticipated that these schools would be **【11】** abandoned.

Q. Are you familiar with the recommendation of Dr. Finger with reference to these schools? A. I believe I recall his recommendation, yes.

Q. What was his recommendation, if you recall? A. I believe that he recommended closing Zeb Vance, Isabella Wyche, Bethune, Alexander Street. I do not believe he mentioned Fairview but mentioned in its place Elizabeth. The plan did not deal with Irwin Avenue Junior High School. As a matter of fact, I don't think Irwin Avenue was mentioned, and it did not mention Metropolitan High School.

Q. Did Dr. Finger's plan make any specific disposition of the students who formerly attend those schools? A.

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These students were assigned to other schools although I cannot recall exactly what schools.

Q. Now, the next feature of the plan provides for transportation of blacks from overcrowded black schools. On what determination was this provision reached? A. I feel the objective is the same as in the closing of schools, to achieve further desegregation and to afford better educational opportunities for the pupils involved.

Q. Aren't there some white schools that have fairly severe overcrowding? A. Yes. As a matter of fact, our physical facilities as a whole in the school system are overcrowded.

【12】 Q. Is it your feeling, then, that the educational advantages of this move outweigh the disadvantages that would be experienced from moving whites to other schools? A. Yes, it is.

Q. Now, the next feature of the plan provides for restructuring of attendance lines. Why hasn't the School Board restructured the attendance lines prior to this time? A. Well, I think that probably the major reason would be that the Board of Education did not adopt a policy on desegregation officially until just several weeks ago. With that policy adopted, it then became necessary for the Board of Education to examine its present method of redrawing attendance lines and respect this matter of desegregation while they did so.

Q. From an administrative standpoint, would it be possible to restructure the school attendance lines for the year 1969-70? A. I do not feel that it would be. I'd have to qualify that by saying that you could take a map and draw a circle around schools, but this would be a very shallow way of treating a very, very difficult problem. I view the drawing of the attendance lines as a mammoth undertaking,

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one which would have to update the statistics of the school system, arrive at some guidelines for drawing the new attendance lines, subject these to numerous review by the Board of Education and, to the degree that it's possible, to the school community, and then interpret this in terms of administrative action.

【13】 Q. This is not a job that could be accomplished by one or several people, is this correct? A. I think it might be supervised by one or several people, but many people would be involved in the actual work.

Q. How long would it take to restructure the attendance lines for the school served by the system? A. Well, again, we can only make an estimate. We have estimated it would take six months. I believe that's the wording of the plan.

Q. What is the basis for the six months estimate? How do you reach the six months estimate? A. I think on the basis of knowing how much work there is to be accomplished and on the experience that we have had in terms of drawing attendance lines in the past where new schools were built, additions to schools were completed, that sort of thing.

Q. I understand that the Board of Education proposes using a system analysis approach as an aid to restructuring of attendance lines, is this correct? A. The possibility has been investigated, yes.

Q. Basically what would be involved in this approach? A. Well, my impression is more or less a lay impression because I'm certainly not versed in the field of system analysis. It's a systematic approach where you determine what criteria you're going to use to redraw an attendance line, you look at 【14】 the data and statistics that are available and you come out with some sort of determination where that line is going to be. I think that the possibility

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of adapting all this to a computer for the purpose of handling the tremendous amount of logistics which would be involved has also been explored.

Q. Have you had an estimate as to how long it would take to do the systems analysis and programming work for a computer printout of the schools? A. I believe that that's where we got the six months, Mr. Waggoner.

Q. Now, there's been a reported plan, called a plan by the press, presented to the Board by a Mr. Weil. Are you familiar with this illustration? A. Yes.

Q. Could this illustration prepared by Mr. Weil be implemented for this fall? A. No, I do not believe it could be.

Q. Why could it not be? A. I'm basing my answer on that more from the standpoint of Mr. Weil's comments than I am on any intimate knowledge of the situation, but I believe he himself indicated that it would take six months to work it through.

Mr. Chambers: Objection.

Court: The objection to what he said would be sustained.

【15】 Q. Do you feel that any further substantial degree of desegregation could be accomplished by restructuring of attendance lines? A. Yes.

Q. What criteria would you basically use in restructuring these lines? A. Well, I think that much of the criteria you would use would be the same we have used in the past, the distance from school, major highway arteries, grade levels involved, capacity of the school, things of this nature, and one new criteria, that of achieving a racial mix in the student body would be introduced.

Q. This is a criteria not formerly used, is this correct?

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A. That's correct.

Q. What would be the effect of changing one or two attendance zones for this current year on the proposed total restructuring for next year? A. It would be my opinion that it would produce an uproar on the part of the community that was involved, that we would be immediately charged with singling them out for action and not taking any action as far as the rest of the school system is concerned.

Q. When you restructure a school attendance line, is merely one line involved or does it involve other lines? A. All the lines in the school probably would be involved. Of **【16】** course, if this is true, you're studying the attendance lines of the neighboring schools as well.

Q. Now, there's been some discussion and testimony concerning pairing of certain schools and there are two schools that are urged more often than others, Billingsville and Marie Davis. Could these schools be paired for this year? A. Yes, they could, but I think the same comments that we made about singling out a particular area for action in attendance lines would be applicable if a single school was singled out for pairing..

Q. What effect would this have on your restructuring of lines for next year? A. Rephrase your question, please.

Q. You have just stated that we were discussing the pairing of Billingsville and Marie Davis for this year. What effect would the restructuring for next year have on the pairing that might be accomplished for this year? A. It's possible that in these same schools desegregation could be achieved through a redrawing of attendance lines. I believe that the committee, in its consideration of pairing, came to the conclusion that pairing should be resorted to after you've explored other possibilities for desegregation,

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that attendance line restructuring holds more premise of a permanent solution than does the pairing of schools.

Q. The plan provides another departure, that the school **【17】** construction program will be reviewed. What effect do you expect this to have on desegregation? A. As I understand it, the construction program is to be reviewed with the objective being to locate, construct and organize school facilities in such a way as to promote desegregation to the extent that it can possibly be achieved through this technique, and I think that some progress toward further desegregation can be achieved through this technique.

Q. Do I understand this technique to be that the schools will be located so as to promote further desegregation? A. Yes.

Court: Does that include giving attention to the size or population of the proposed schools as well as to the location with that purpose in mind?

A. I think it would although, Your Honor, I think that size of school is an optimum way of solving a desegregation problem. Both Syracuse and Buffalo have used many of the techniques we're using here but they are resting a good bit of their hope on the construction of campus schools where large numbers of pupils are housed and practically everyone except those living in close proximity to the campus are transported.

Q. Dr. Self, do you feel that the restructuring of school attendance lines and constructing schools and setting capacities so as to promote further desegregation offers any real solution to the desegregation problem? **【18】** A. I feel it offers very positive hope.

Q. Now, with reference to the report filed with the Court relating to faculty, have you reviewed the various schedules

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relating to faculty assignments in the elementary schools for this year? A. Yes, I have.

Q. What do you find noteworthy in the report as filed with reference to elementary schools? A. Well, the Board and staff set as a goal 17% minority race representation on every faculty and with only one or two exceptions this goal has been reached. I find this noteworthy.

Q. What has the effect been with reference to formerly no all black or nearly black faculties. I think that we have no all black or nearly black faculties. I think that we have been able to desegregate faculty to the point where it is not a token number of members of the minority race.

Q. Do you have an opinion with respect to faculty desegregation for the school year 1970-71? A. I feel that it is our intention to continue to make progress in this area.

Q. What is the normal attrition of your faculty during the school year from year to year? A. Well, our turnover is rather high. That plus the fact that we grow by about 3000 pupils per year means that we will **【19】** employ around 650 new teachers every year.

Q. Do you feel that the number of vacancies created and new positions created will enable you to accomplish significant further desegregation of faculty? A. Yes, it will, but we have not relied upon that as the sole technique this year. We have moved some people.

Q. Has this been by assignment by the staff? A. This has been by design of the staff, yes.

Q. What has the faculty acceptance of these assignments been? A. I think on the whole it's been very good. Our Assistant Superintendent, I believe, reported to the Board of Education that there had been three resignations which could be attributed to the fact that these moves were made, but other than that I think it has been very well accepted.

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Q. Has the Board taken any recent action with reference to Second Ward High School or Metropolitan, as it is now referred to? A. Yes. There was a motion made at the last Board meeting which was last Thursday afternoon. I can't recall the wording of the motion but in effect it reserved the bond money which had been designated for the center-city area for the Metropolitan High School for the construction on that site of an educational facility.

Q. Dr. Self, the plan makes mention of compensatory education. Would you tell the Court what is intended when we speak of compensatory education? [20] A. Well, if two students enter a particular classroom at the same time with the same teacher and one of them is behind the other in terms of his achievement, the chances are that he will get further behind his classmate as the year progresses. The only hope that he can catch up is through providing him with additional help and resources. This is the thinking that educators use when you plan a summer school program, help those who need additional help to catch up to their classmates. And actually the compensatory education program as we have it in mind would be the application of this same principle during the regular school year. If we can help the youngster who is in need of it through corrective or remedial programs or something of this nature, we feel that we ought to try to provide it within the limits of the funds that are available.

Q. There is further mention of the in-service training for teachers. What does this involve? A. Simply an attempt to improve the teacher's knowledge of the environment, background, special learning problems of students in a desegregated setting. It could apply to white as well as black.

Q. One of the last statements concerning the plan of

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desegregation relates to further studies of grouping or pairing. What is the proposal of the staff with reference to implementing this provision? 【21】 A. We propose to do just that. I think that that provision is in the plan because the Board of Education recognizes that this problem is of such importance that every section of the school community ought to be touched by it and if there are some sections that are not touched by school closings or by attendance line alterations or something of this nature, then we would like to find some other way to bring them into contact with members of the opposite race.

Q. Do you have an estimate of the cost of the interim measures for transportation of the students during the school year 1969-70? A. I do. Our Business Service Department has given us estimates on this. They used a figure of \$30.00 per pupil in terms of transportation. That means that if all of the children of the closed area accepted the assignment to another school that we would multiply the 3000 pupils by \$30.00 and came up with \$90,000.00 in terms of cost. In addition to this, it costs about \$98,000.00 in terms of providing the equipment for use in the implementing the transportation program. Then in terms of the relocatable classrooms, which would be necessary in terms of housing the youngsters, our estimate is about \$330,000.00.

Q. Dr. Self, what provision has been made for those students attending the schools being closed who do not wish to be transported? 【22】 A. The plan calls for the youngsters in the Zeb Vance, Isabella Wyche, Bethune areas who do not choose to take advantage of the transportation to be accommodated in the Zeb Vance Elementary School facility. The plan calls for those youngsters from the Fairview and the Alexander Street area who do not wish to be transported to be reassigned to adjoining schools.

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The plan calls for the students from Irwin Avenue and Second Ward who do not wish to be transported to be assigned to adjoining schools.

Q. So what this basically means is that for these students who do not want to be transported, they won't have to be transported, is that correct? A. That's my interpretation of it, yes.

Q. Do you need community support for the success of this interim measure? A. Definitely.

Q. What support would be most helpful to you? A. Well, I think that the parents whose youngsters are effected by any move in terms of transportation, if they come to an awareness that their youngsters will profit by this, educationally speaking, it would be of great value to us. On the other hand, if the parents in the receiving schools could develop an understanding that their educational program would not be diminished by the move but really would be enhanced by the move, I think we would be helped mightily by [23] that as well.

Mr. Waggoner: I have no further questions.

Court: Cross examination?

Mr. Chambers: Yes, sir.

Cross Examination by Mr. Chambers:

Q. Dr. Self, you mentioned that after the Court's order in June the Board met and decided to appoint a five man committee to draw a plan. You also stated that the Board instructed you to review the Finger plan. Did you review the Finger plan? A. Yes, we did.

Q. Did you prepare a written report with respect to the Finger plan? A. Not in that sense, Mr. Chambers. We made a presentation. We had maps and overlays and went

Dr. William C. Self—for Defendant—Cross

through the Finger plan in detail. There was some written material but I would not call it a report.

Q. You did have some written material? A. Yes, sir.

Q. And you had some maps? A. Yes.

Q. Are those in your possession? A. They are not in my immediate possession. They are in the office.

Q. How many maps did you have? **[24]** A. We had the three maps, one for the elementary schools, the junior high and the senior high, three separate maps.

Q. How much written material do you recall that you had in this connection? A. I don't recall how much it was.

Q. However, the complete material is in your possession? A. Yes.

Q. Did you report on the possible pairing of Billingsville, Cotswald, Eastover and Chantilly? A. We did.

Q. Would you tell the Court what you stated about the possibility and feasibility of doing that for 1969-70? A. Mr. Chambers, as best I recall I reported the plan without interjecting any of my judgment into it at that particular time. I simply interpreted what I had understood the Finger plan to be without trying to interject any judgment into it.

Q. Did you state, Dr. Self, whether it was feasible to implement the pairing of those schools for 1969-70? A. No, I did not.

Q. Did you state whether it was possible to integrate those schools for 1969-70? A. No, I did not.

Q. Did you consider in your report the possible pairing of Marie Davis, Collingswood, Sedgefield, Pinewood and Montclaire? A. I reported on that pairing arrangement which, I believe, **[25]** Dr. Finger had drawn up around Marie Davis, yes.

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Q. Did you state whether it was feasible to pair those schools? A. No, I didn't.

Q. Did you discuss the possible pairing of Hidden Valley and Tryon Hills? A. Again, I reported on the plan itself.

Q. Did you state whether it was feasible to pair those schools? A. No, I didn't.

Q. Did you report on the possible pairing of Bruns Avenue, Enderly Park and Ashley Park? A. I reported on the plan itself, yes.

Q. Did you talk about the feasibility of pairing those schools? A. No, sir.

Q. Did you report on the possible pairing of Thomasboro, Hoskins and Lakeview? A. Yes.

Q. Did you report on the feasibility of pairing those schools? A. No, I did not.

Q. Did you report on the possible alteration of the geographic zones for Second Ward or Metropolitan High School? A. I do not recall that.

Q. Did you subsequently, Dr. Self, prepare a report or some information for the Board relative to a plan for desegregation in compliance with the Court's order? A. No, Mr. Chambers, I did not. The committee itself elected to ~~【26】~~ avoid the technique of having the staff prepare a plan for consideration by the committee. The committee itself elected to be involved in the derivation of the plan as a body, not to ask that the staff make it in terms of recommendations to them.

Q. Did you work with the staff in the preparation of any plan? A. I worked with the committee itself.

Q. You worked with the committee? A. Yes.

Q. How many plans did you prepare? A. I believe there were several revisions, at least three that I know of.

Q. Were these revisions written up? A. They were.

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The majority of them had to do with revision of the policy statement.

Q. Are those revisions in your possession? A. I have rough notes on them, yes.

Q. Do you recall whether the committee considered the possible pairing of the schools we just mentioned? A. Not of these schools specifically, no.

Q. Did they consider the pairing of any schools? A. I think in terms of school pairing the school committee concluded that the first alternative for desegregation which should be attempted was the alteration of attendance lines.

Q. Did the committee consider the pairing of any schools? **¶27** A. Not beyond what I have just stated.

Q. Now, you mentioned something in your direct examination about a Weil report. A. Yes.

Q. Do you know the name of the individual who prepared that report? A. That is his name, Mr. Jack Weil.

Q. Do you know whether he is in court at this time? A. No, sir, I do not.

Q. Did you contact Mr. Weil? A. No, sir, I did not.

Q. Do you know who contacted Mr. Weil? A. Mr. Weil's first contact with me was on his initiative.

Q. He contacted you? A. He did.

Q. What followed after he contacted you? A. He asked for a conference. He stated that as an interested citizen that he would like to talk with me about a technique for redrawing attendance lines. He did not know all of the problems that there would be involved and the conference that we had was for the purpose of trying to give him what data he would need to make some additional judgment.

Q. Did you give him that data? A. To the best of my ability, yes, I did.

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Q. Did he subsequently prepare some report or some information for you? 【28】 A. He prepared a report and he presented it to some of the members of the committee working on the desegregation plan.

Q. This report was presented to the committee? A. Yes, it was.

Q. Were you present? A. I was.

Q. Now, you're supposed to have today a copy of that report.

Mr. Waggoner: If the Court please, if I may make a statement. With reference to the Weil plan or illustration or whatever it might be, we have some pencil notes that Mr. Weil turned over to us after his presentation at the Board meeting. He did not pass out any papers of any kind. It was merely his notes that he turned over to me as attorney for the Board.

Mr. Chambers: Your Honor, it's my understanding they also have a map.

Mr. Waggoner: There is a map in the back room.

Court: Are you objecting to the question?

Mr. Waggoner: I was just trying to shorten the testimony. It appeared there was some thought there was a formal report presented. It was an oral report from his notes. I have his notes and I have his map also.

Court: I have no intention of killing a lot of time 【29】 on the whereabouts or the custody of the Weil plan, but it has occurred to me listening to this examination that one of the things the Court has got to decide, if this plan in whole or in part is approved, is what kind of timetable needs to be followed in the preparation of plans and statements of intention for

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further action. With that in mind, I think the Weil plan or any other plan that somebody might have worked up in whatever form it is would be relevant in trying to set a timetable. So I would be curious about the plan itself without attempting to pass judgment on it.

Mr. Waggoner: If the Court pleases, with reference to the plan, this was a manual plan. It doesn't consider all the options available to a computer. They were a layman's educational criteria applied to designing these boundaries and we feel that it would do a disservice to the community to put this map out for public speculation that the school line could run here or there or I may be in this school or I may be in that school. The Board has no intention of adopting this particular plan. It was merely an illustration. A great deal of mischief would be done to present this to the public.

Court: Well, nobody made an objection so far. What's the next question?

Mr. Chambers: I have filed with opposing counsel a copy of our objections and response to the defendant's plan. [30] We would like to get the map that was prepared by Mr. Weil to identify.

Mr. Waggoner: If the Court please, I object to the Weil map as being irrelevant to the conduct of this hearing. It does not represent any feature of the plan, any adoption of the plan.

Court: Mr. Waggoner, in view of the absence of a timetable which, as you know, the appellate decisions all require in such plan, it evolves upon the Court to set a timetable. The nature of work that may have been generated by Mr. Weil in whatever

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time he worked on it is of some relevance in enabling the Court to decide what kind of time is reasonable for preparation of this kind of study. If you are, in substance, asking the Court to treat this so-called plan as confidential or to require it not to be released to the public, I'll hear both sides on that because that would make some sense.

Mr. Waggoner: If the Court please, I have no objection to revealing it to the Court and counsel. I just feel that a publication of it would not do this community any service.

Court: You see, Mr. Waggoner, you're in the position of asking the Court to accept the six months timetable for the submission of plan for the further action, but of concealing from the Court and opposing counsel the **[31]** information from the man who says six months is needed. I can't accept this position. I'll either have to disregard all that's been said about computer analysis or take a look at what Mr. Weil said and do some thinking of my own.

Mr. Waggoner: If the Court please, I believe Mr. Weil would be . . .

Court: You might be in more danger if I have to do my thinking on my own.

Mr. Waggoner: Well, the thing that hasn't been explored, and I think perhaps this would be in the nature of voir dire on determining whether or not this particular map would even relate to a method that would be a process for reaching a restructuring of lines. This was a manual preparation.

Court: They all start out that way.

Mr. Waggoner: And to develop this computer system, all of these hundreds of little boxes on the

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map, they've got to be stored with the numbers of elementary, junior high and senior high by races and a system has to be designed that would give a computer printout. Mr. Weil has advised it will take three months to do . . .

Court: I can't cross examine you, Mr. Waggoner.

Mr. Waggoner: I know you can't, Your Honor, but I think that Dr. Self, with his familiarity with the difficulties . . .

【32】 Court: Let's just put it this way; if you want the Court to pay any attention to the existence or probable contents or difficulty of preparing a computer plan, you have to put the plan up here for the Court to see. Otherwise I'd just have to make sort of a running guess about how long it would take Dr. Self, using the resources of the Board, to do what's necessary to carry out the undertaking that the plan embraces.

Mr. Waggoner: I would prefer to rely on the wisdom of the Court's guess.

Mr. Chambers: I would like to say one thing in reference to that. We would like to introduce this matter, not only because of the contention relative to the time necessary to present a plan for complete desegregation, but also because under Green the Court was to consider alternatives which would produce the most desegregation in the school system. Now, the Board has submitted this plan and it's before the Court on the condition that it's all the Board or the most feasible step the Board could take for 1969-70. We want the Court to consider what Mr. Weil has done to determine whether there should be some other step that the Board should

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take to desegregate the system for 1969-70. We submit, therefore, that what evidence is presented on the Weil plan would be relevant on the matter of whether there should be some alternative plan or, if the Court accepts the plan that [33] is submitted, what time schedule should the Board be required to present the new plan.

Court: Mr. Waggoner said he wanted me to guess on that. I would rather not guess to the extent that this is necessary, but I don't think it's really a guess, it's an estimate based on the evidence in the case and in the absence of some evidence as to what it takes to do that the Weil plan or what the use of a computer would require, I will have to disregard the opinions that have been given about six months being required. We come out the same place whichever way we start. I'd rather get on to something else than to . . .

Mr. Chambers: I would like to offer this evidence on the feasibility of an alternate plan.

Court: As I recall the evidence already in the record, the evidence of Dr. Self in this court before was that all of these groupings and pairings about which you've ask him were feasible if politically accepted. That's substantially what you testified before, isn't it?

A. I used the qualification administratively feasible.

Court: Administratively feasible but it might make people mad. That's my recollection of what he said about all of Dr. Finger's plan except for a couple of areas that he ruled out.

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Mr. Chambers: Well, Your Honor, I also understood him to say that he did not consider it educationally advisable [34] to pair those schools for 1969-70.

Court: He didn't say that in his previous testimony. What he said earlier today is that he did not recommend to the Board that they were feasible for 1969-70.

Mr. Chambers: There was a question about whether the children involved in those areas would be going to a disadvantaged area in connection with sending some white kids into black schools. Again, I simply go back to Green and we should, I submit, be able to show the Court that there are other feasible plans that this Board could utilize for 69-70 which would effectively desegregate the system better than the plan that is now before the Court.

Court: Don't you suppose the Court knows that? Don't you suppose everybody here knows that?

Mr. Chambers: If the Court is going to do what we request the Court to do, that is, to bring in another plan, if the Court requests the Board to do that, that's the only thing . . .

Court: If the evidence in the case already demonstrates to the satisfaction, I think, of everybody that's heard it that more could have been done than is proposed to be done here, I don't think we need to belabor that.

Mr. Chambers: It still leaves me hanging on whether the Court is going to require a new plan.

Court: The Court is still hanging on that point,

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【35】 Mr. Chambers. I don't believe a lot of information about the Weil plan is going to help us on that.

Mr. Chambers: May I make one further request, Your Honor. Since it has been indicated that the defendant would not like the plan to be offered in public that the Court allow us to offer this plan under Rule 46.

Court: If you've got it, you may offer it. I have no objection to its being offered, and I'll rule that it may be admitted if you've got it.

Q. Now, Dr. Self, you talked about the seven schools, the closing of the seven black schools. In the plan submitted by the Board in April the Board did not propose to close either of those schools for 1969-70. A. That is correct.

Q. Now, would you tell the Court what led the Board to decide to close those seven schools for 1969-70? A. Well, I think the starting point for such deliberations was the policy statement by the Board of Education. They felt that further desegregation of students was called for at this time. They saw this as a way of achieving it.

Q. Now, why did they decide that the closing of those schools was the way to achieve further desegregation? A. Well, I think that one thing that influenced their thinking was that it was a part of the proposal by the plaintiffs' expert in this area, and the second thing which called it to 【36】 their mind was that the technique of school closing had been employed before by this Board of Education and was employed by both Boards of Education in Buffalo and Syracuse.

Q. In your report you indicate that the Board considered it more feasible to consider the closing of black schools and

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transportation of black students one way than to integrate both the black and white schools, is that correct? A. I think in my testimony I tried to indicate that the movement, educationally speaking, is more defensible if you can move a youngster from an area in which he may suffer educational deprivation into one where he is promised a better education.

Q. Did the Board determine that there was no black school in the system which would allow a student to advance educationally? A. No, the Board did not.

Q. Now, did the Board decide that there are some black schools in the system which would allow a student to advance educationally? A. I don't believe that the committee discussed this.

Q. All right. Now, you gave your opinion a moment ago about the educational advantage of transferring students from a disadvantaged area to a more advanced area. In your opinion is there a black school in this system which you would utilize to integrate students in the schools? A. Not at this time.

【37】 Q. You stated that the objective of the Board was to proceed further with integration in 1970-71. Is it your intention as you understand the policy of the Board to close all of the black schools in this system? A. I believe I stated that it was our intention to proceed further with faculty desegregation in 70-71 but it is not my understanding that the Board of Education contemplates closing all black schools.

Q. Is it your understanding that the Board contemplates closing more black schools in 1970-71? A. That is not my understanding.

Q. Is it your understanding that it plans to close any? A. No, it is not.

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Q. Then, despite the fact that you say there is no black school in this system which would offer any educational advantage for purposes of integration, you do not understand the Board of Education plans to close any more black schools? A. I did indicate that it was not my understanding that the Board of Education intended to close any additional black schools.

Q. Does the Board plan to integrate any of the remaining black schools? A. That matter was not discussed by the committee.

Q. Then is it your testimony, Dr. Self, that the Board excluded any consideration of integration of black schools for 1969-70? 【38】 A. For 1969-70, yes.

Q. Well, does the Board plan to integrate any of the black schools in 1970-71? A. I have no way of knowing that, Mr. Chambers. It has not been considered by the committee.

Q. Well, you filed a report here that said that you were going to draw new school zone lines and that you were going to use the objective of the Board of promoting integration. Now, is it your understanding of the policy statement of the Board that you are to integrate the remaining black schools? A. Well, it could be assumed from reading the policy that this would be an ultimate goal but this matter has not been discussed by the committee as yet.

Q. Well, you testified, Dr. Self, that you anticipated substantial integration of students in 1970-71. I want to know what standards of criteria you're planning to follow and if you are planning to integrate the remaining black schools or leave them like they are. A. Well, these plans have to be devised, Mr. Chambers, by the Board of Education working with the staff. I am not at liberty to say what it is that the Board of Education intends to do.

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Q. You just testified about you anticipate a substantial integration of teachers, that you anticipated substantial integration of students as a result of the new zones and as [39] a result of the new school plan with respect to construction. Are you telling the Court now that you don't anticipate this integration? A. No, I am not. I am saying that we will try to use these techniques which have been identified as a part of the plan to achieve substantial further desegregation.

Q. Isn't it a fact, Dr. Self, that the committee discussed and you understood the committee and the Board as requiring no integration with white students going into black schools in 1969-70 or later? A. That is not my understanding.

Q. Did you understand them to require integration of these black schools? A. I understand from the declaration of the policy on the part of the Board that we will move in this direction.

Q. In integrating black schools? A. But what techniques will be used I have no way of knowing at this particular time.

Q. Dr. Self, did you consider it feasible to integrate West Charlotte in 1969-70? A. Did I or did the committee?

Q. Did you? A. No, I did not.

Q. Do you now consider it feasible? A. Not at this time.

[40] Q. What would be the educational reason for not integrating West Charlotte? A. The educational reason for not integrating West Charlotte?

Q. Yes. A. I don't know of an educational reason. There are certainly some political and economic reasons.

Q. What would be the political reason? A. I think that the technique for integrating West Charlotte would be a very marked change in the attendance lines of West Charlotte and that redrawing of an attendance line should be

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accompanied by a reexamination of every other attendance line in the school system.

Q. Did you consider the feasibility of using a different feeder system for West Charlotte? A. No, we did not.

Q. It isn't necessary, therefore, to redraw the lines to integrate West Charlotte. A. If you used a feeder system.

Q. And is it feasible to use a feeder system and use transportation for white students into West Charlotte for 1969-70? A. Not in my opinion.

Q. What would be the reasons that would indicate educational disadvantages in bringing in white students by a feeder system into West Charlotte? A. Would you repeat your question?

【41】 Q. In your opinion you say it would not be feasible to integrate West Charlotte in 1969-70. I'm trying to find out why you're saying that. A. I think I did indicate that I thought that the technique for integrating West Charlotte would be through the restructuring of attendance lines and to single out one school and draw its attendance line in a different way at this particular point would seem to me not to be feasible.

Q. Well, you have singled out seven schools. Are you saying that you can single out these seven but you should not single out any other?

Mr. Waggoner: If the Court please, this is argumentative rather than evidentiary.

Court: Objection overruled. How much longer do you think your examination of Dr. Self will last?

Mr. Chambers: About another hour, Your Honor.

Court: Let's take a ten minute recess.

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【57】 * * *

WHEREUPON, Dr. Self returns to the witness stand.

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Cross Examination (Cont'd) by Mr. Chambers:

Q. Dr. Self, has the Board determined where it will assign the black students at Second Ward or Metropolitan High if that school is closed? A. Yes, it has.

Q. Would you tell the Court which schools these students would be assigned to? A. Harding, West Charlotte, Garinger, East Mecklenburg, Myers Park, South Mecklenburg.

Q. Has the Board determined how it's going to assign these students? A. Yes. The plan calls for dividing the Metropolitan district in such a way that part of it falls in the attendance areas of the schools that I named.

Q. Has that district been divided into the districts in the schools that you named? A. Yes.

Q. Did you do this by a map? A. Yes.

Q. Do you have a copy of that map? **【58】** A. No. The plan contains the description of the revised attendance lines.

Q. But you don't have a map? A. No, I do not.

Q. Approximately what is the average distance that these students will be bused? A. I could only guess at about three miles.

Q. Approximately how far is East Mecklenburg from the center part of Charlotte? A. I would estimate five and a half miles.

Q. Approximately how far is South Mecklenburg? A. Probably seven miles.

Q. Approximately how far is Harding? A. From the center of Charlotte?

Q. From the center of Charlotte. A. Again, I'm only estimating. I would estimate about two and a half miles.

Q. Approximately how far is West Charlotte from the center part of Charlotte? A. About the same.

Q. Now, have the faculty members at Second Ward or Metropolitan High already been assigned by the Board?

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A. That's my understanding, yes.

Q. Do you know what was done with the principal of that school? A. Yes. Mr. Waddell was made Assistant to the Superintendent.

【59】 Q. And what does that mean? A. Just as the name implies.

Q. What will he do? A. He will assist in whatever areas of work there are in the office which demand attention.

Q. That is a new position? A. Yes, it is.

Q. With no defined duties. A. None other than what I have said.

Q. Do you know what the football coach of Second Ward is to do for next year? A. I do not know.

Q. Are you familiar with the guidelines of the Department of Health, Education and Welfare pertaining to teachers? A. Not intimately, no.

Q. In your determination to assign the coaches at Second Ward or Metropolitan High School did you consider the qualifications of all coaches in the school system? A. I believe that pertains to dismissal of personnel, does it not? No one has been dismissed.

Q. Did you consider the qualifications of all coaches in the school system? A. No.

Q. He wasn't compared, for instance, with the coach at East Mecklenburg or South Mecklenburg? 【60】 A. I do not know. I do not believe so.

Q. Your policy doesn't provide for that, does it? A. No, it doesn't.

Q. So he will be assigned irrespective of his qualifications or ability. A. To a position as closely as possible as we can to the position he held at Second Ward.

Q. I gather coaches at various schools make additional money because of their coaching duties. A. They are supplemented.

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Q. And if he does not get a coaching position he will lose this money for 1969-70. A. He will have a coaching position and he will receive his supplement.

Q. Do you know which school he will be coaching at? A. No, I do not.

Q. Do you know what school the basketball coach has been assigned to? A. No, I do not.

Q. Do you know if he will have a coaching position? A. He will.

Q. Is there a difference between the salary of an assistant coach and a head coach? A. There is.

Q. Will they have head coaching positions? **【61】** A. I do not know. If he does not, he will not suffer a penalty in salary. An exception will be made.

Q. This is similar to the practice you followed in 1965 in assigning the black principals to assistant principal positions. A. I don't believe it is the same.

Q. Now, did you have guidance counselors at the Metropolitan High School? A. Yes.

Q. Do you know what schools these guidance counselors have been assigned to? A. I do not.

Q. Did you have cheering leaders at Second Ward High School? A. Yes.

Q. Do you know what arrangements have been made for them at the schools to which they are being assigned?

Mr. Waggoner: If the Court please, we are going to object to this. This is getting down to intimate details of assignments within a particular school. I don't think we're here this afternoon to get to individual personalities and where they may be placed. We made our statement and if they feel this is untrue, then the burden is upon them to come

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forward and show that we have discriminated in reassessments.

【62】 Court: Objection is overruled.

A. It is my understanding that this matter was discussed in the principals' meeting where the details were being planned and that the person who had the cheerleading position at the Metropolitan High School would be automatically a cheerleader in the receiving school, if they chose to transfer.

Q. Do you know about the student organizations at Second Ward? A. Not in detail, no.

Q. Do you know what accommodations have been made for the student leaders at Second Ward? A. They are to be accorded positions similar to this in the receiving school. If they are members of a National Honor Society, they are automatically members of the National Honor Society at the receiving school.

Q. What about holding offices in the organizations?

A. I do not know that that detail has been discussed.

Q. Do you know whether any of the students at Second Ward presently were being considered for scholarship opportunities following graduation? A. I do not know.

Q. Do you know what arrangements, if any, have been made if any student at Second Ward was being considered for scholarship opportunities? A. Sorry, I don't understand the question.

Q. Do you know whether you have made any arrangements for the 【63】 coaches at Irwin Junior High School? A. The same arrangements made for the coaches at Metropolitan High.

Q. Before leaving Second Ward, I believe you have at each of the high schools you mentioned ability groupings.

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A. Yes.

Q. Is it your intention to give additional tests to students at the receiving schools to determine which ability group the student should be in? A. No, it is not. We anticipate placing these youngsters in many of the classes in this school. We will definitely prevent the sectioning of these youngsters by themselves in a section.

Q. Well, do you plan to have ability groupings at these high schools, the receiving high schools? A. Yes.

Q. Do you plan to put these students in any of the groups? A. In all of the groups, not in one.

Q. Do you know how you will place them in the groups? A. I think the best determinate would be the marks which they scored at Second Ward and the teacher's judgment there.

Q. Now, have you decided on your bus routes? A. No, we have not.

Q. Have you purchased your buses? A. No.

【64】 Q. Do you plan to purchase these buses before the beginning of school? A. We do if our plan is approved.

Q. When will school begin? A. September 2nd.

Q. Now, it's my understanding you don't have enough mobile units at all of the schools to accommodate the students who are going to be transferred. A. That's true.

Q. And you won't have the mobile units there at the beginning of the school term. A. That's true.

Q. And that it will take approximately six months in some cases to get sufficient mobile units there to accommodate the students. A. According to our conversation with the vendors, they can deliver a certain number, five to ten, early in September and that we might expect one or two units per month delivery schedule from that point on.

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Q. Do you anticipate having enough mobile units at the various schools to accommodate all the students by January, 1970? A. I'm sure we would have by that time.

Q. Do you think you would have enough units by December, 1969? A. Probably.

Q. What do you plan to do with the students in the meantime? **[65]** A. Well, the section of the plan which anticipates movement of youngsters from overcrowded black or all black or nearly all black schools anticipates movement during the year and that provision was written into it, recognizing the fact that we could not have all mobile units immediately. The children from the closed schools will be accommodated, those of them who choose to exercise this privilege of moving into another school, in whatever fashion we can come up with. We will take mobile units wherever possible from schools where new construction makes them available once more. I think the Paw Creek situation was a technique for getting some mobile units to accommodate this purpose. Things of this nature. We have, on occasions, had to use classrooms on stages, auditoriums, partitioning larger than average classrooms, making them two, the same techniques we have used all along to try to accommodate the youngsters.

Q. Do you know the number of black schools in your system that will be underpopulated for 1969-70? A. No.

Q. Do you recall the testimony of Dr. Larsen about the number of black schools that had substantial space accommodations? A. I recall the testimony of Dr. Larsen but not in the detail you're requiring here.

Q. You don't recall the report that they submitted that was identified in evidence in this proceeding? **[66]** A. I recall their report but not the details of the report.

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Q. Dr. Self, would you state whether in your opinion there are approximately 2500 spaces available in black or predominantly black schools in this system for 1969-70?

A. I do not recall that detail, Mr. Chambers.

Q. Do you know approximately how many are available?
A. No, I do not.

Q. Now, there are some overcrowded white schools, are there not? A. Yes, sir.

Q. And the Board has no intention of transporting any of the white students from those overcrowded schools to spaces available in black or predominantly black schools.

A. That is not a part of the plan.

Q. Now, Dr. Self, did you study the Weil plan? A. Not in depth, no.

Q. Did it provide for the complete desegregation of the elementary schools in this system? A. It did not.

Q. Do you know which schools it left segregated? A. No, I do not.

Q. Did it leave any black school in the system racially identifiable as a black school? A. I don't recall.

Q. Now, in your report about faculty desegregation you state that in 1970-71 you will move further along in desegregating the **【67】** faculty members. A. Yes.

Q. Do you have a timetable for complete desegregation of faculty members in this system? A. I think it is generally understood that the task would be accomplished in the next school year.

Q. Did the Board decide to do that? A. The Board has made no definite decision in this direction.

Q. And it's not written in the plan. A. No, sir.

Q. Now, how did the Board arrive at the 17%? A. I believe that there was conversation which was introduced

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relative to how much faculty desegregation could be expected and a review of a court case—I don't recall which case—indicated that a ruling had been made which ordered the system to move to a one to six ratio. I feel that this influenced our group to determine this as the goal which we would try to achieve this September.

Q. Now, in this document which has been referred to in this record as the Self plan you proposed to completely desegregate teachers 1969-70. A. It did, but it did not define completely desegregated.

Q. You did not state in your proposal that you would have the percentage of teacher desegregation as directed by the court? A. I don't believe that it did state a definite percentage.

【68】 Q. You don't have a copy of your proposal with you, do you? A. No, sir.

Q. Are you telling the Court that you didn't state in April of 1969 that in your opinion you could achieve 33% desegregation in each school in the system? A. That ratio was not used to the best of my recollection.

Q. How did you determine that you couldn't do more than 17%? A. We set this goal and worked toward it, Mr. Chambers.

Q. And you stated that you had approximately three resignations which you could attribute to non-racial assignment of faculty. A. Yes.

Q. Dr. Self, did you prepare a report on the number of students who would be affected by the elimination of freedom of choice in this system? A. A report was prepared in the Research Department of the school system.

Q. Are you familiar with the Court's finding that freedom of choice in this system had promoted segregation of the schools in the system? A. I don't recall that finding.

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Q. You don't recall that finding? A. No.

Q. Why didn't the Board eliminate freedom of choice for the next school year? 【69】 A. I can only conjecture that the Board members felt that freedom of choice had rather slight effect on the overall problem.

Q. Do you know how many white students would be at York Road if you eliminated freedom of choice? A. No, I do not.

Q. Do you recall whether your report showed 190? A. I don't recall that detail.

Q. Do you recall how many white students would be at Amy James if you eliminated freedom of choice? A. No, I do not.

Q. Do you recall how many white students would be at Marie G. Davis if you eliminated freedom of choice? A. No, I do not.

Mr. Waggoner: If the Court please, this is a matter of record. The exhibit is filed before the Court and it seems to me he's asking questions that he couldn't humanly be expected to recall such figures as this.

Court: Mr. Chambers, are you about through with this phase of your examination?

Mr. Chambers: About freedom of choice?

Court: If you're pursuing something that I ought to be listening to real hard, I want to hear about it.

Mr. Chambers: I would like, then, to get the report of Dr. Self regarding the effect of freedom of 【70】 choice in the school system.

Court: That's not at issue here. The Court found as a fact that freedom of choice does not promote

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desegregation and that the constitutional purposes have to be accomplished totally without regard to freedom of choice.

Mr. Chambers: The plan they have now doesn't eliminate freedom of choice.

Court: The Court did not direct that freedom of choice be eliminated. It directed the School Board do the job regardless of whether they kept freedom of choice or not.

Mr. Chambers: Without it being eliminated in 1969-70 you will have 1200 or more white students transferring out of integrated schools.

Court: That's my recollection of the figure.

Mr. Chambers: And we contend that's an element that has clearly been ruled unconstitutional by the Supreme Court and that it should be ruled out in this plan, too.

Court: I made the clearest statement about it that I think has ever been made. I said freedom of choice promotes segregation. It does not promote compliance with the constitution and that the constitutional mandate has to be accomplished by methods other than [71] freedom of choice. But I also said if the Board wanted to operate a system in which people had some freedom to go from one school to another and could, in spite of that, comply with the constitution, that's their business, not mine.

Mr. Chambers: The evidence now before the Court, we submit—and that's the reason I was going into it now—clearly shows that freedom of choice promotes segregation in this system and without it being eliminated here and now, it would perpetuate

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segregated schools in the system. There is no justifiable reason whatever for allowing freedom of choice in the system for next year, none whatsoever. They have not advanced one educational reason for leaving it in the system for next year, and I think the court decisions clearly hold that the school systems have to get rid of it now.

Court: Well, it may be the distinction or the difference that isn't apparent yet. It seems to me that some day you may be asking the Court to restore freedom of choice if the Court today rules it out.

Mr. Chambers: Your Honor, that might be true and it might be true that the Board will come in with a plan next year which will be acceptable to all parties and we might come back in years hence and ask that some alterations be made. We cannot control the housing patterns. We think that at this stage of the game, where the record clearly shows that freedom of choice perpetuates a segregated system, that the [72] decisions of the Supreme Court and the decisions of the Fourth Circuit require that it be eliminated now.

Court: Are you suggesting, for example, that the freedom of these 4200 children to stay where they are be abrogated by the Court?

Mr. Chambers: I am suggesting if the Board is going to use freedom of choice in any instance that it be only a majority to minority transfer of a student in a black school to a white school or a white student in a white school to a black school—as we referred to them, majority to minority transfers. Now, the Board proposed that in the plan considered by the Court in June and it also contained

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in there the general open-ended freedom of choice provision and the Court spoke highly of the majority to minority transfer. But we think here now, if it's allowed, that the only way it should be allowed would be a situation where the students are allowed to transfer from a school where their race is in the majority to a school where their race is in the minority. There is no justifiable reason at all for allowing general freedom of choice and it further emphasizes the point Rev. Leake was talking about, that we're always talking about moving black kids to white schools.

Court: Well, this reminds me of the story that one of the lawyers told me recently, one of the lawyers in this case. The very wise old Rabbi had a man and his wife come **[73]** in fighting, as husbands and wives do, and the wife told her story and the Rabbi said, "You know, you're right." Then the husband says, "I want to be heard.", and he said, "Yes, I'm going to hear you." Then he heard the husband and he said to the husband, "Well, you're right." And his clerk said, "How can they both be right?", and the Rabbi turned to him and said, "You're right, too."

Now, that story merely illustrates the point that when you're dealing with a situation with so many hundreds of variables, you can't be perfect about it all at once. It was my judgment six days ago that what I found and ruled about freedom of choice in this system for this school year was substantially correct. It may not be right, but I get your point. It's still a live point but I don't know that we need any further evidence on it. Any ruling necessary

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on that subject is amply covered by the evidence already introduced and by the finding that I've made which says that freedom of choice, to the extent of a thousand or 1200 students a year in this system promotes segregation of the races. That's true.

Mr. Chambers: If counsel for the School Board will stipulate that is the effect projected—

Court: That's been found as a fact. Nobody needs to stipulate that.

Mr. Chambers: Your Honor, I'm talking about the [74] effect in 1969-70. The evidence before the Court was talking about what occurred in 1968-69.

Court: All right. Isn't this covered by the statement in the report which says that the net effect of it is some—no, I guess it's not expressly covered.

Dr. Self, does that continue to be the general result of the free transfer provision, that it enables a goodly number of white students to get out of a mostly black school? Is that the net result of the free transfer provision?

A. Yes.

Court: It's still true that if any white children have requested transfer from a white school to a mostly black school your records don't reveal it?

A. That's true.

Court: And would you estimate that the number of white children who would be in mostly black schools this fall without free transfer provisions would be somewhere between a thousand and twelve or thirteen hundred?

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A. I think that's about right, Your Honor. It's an estimate.

Court: O-K.

Mr. Chambers: Would the Court indulge me one moment?

Court: Yes, sir.

Mr. Chambers: I just have one or two more questions.

Q. What consideration did this Board give the anti-busing bill **[75]** in the drafting of its plan? A. I don't think it influenced the Board. It was not considered as a part of the plan.

Q. What was the purpose in the plan for the provision that if the black students objected to being assigned to the school to which they were assigned by the Board they would then be allowed to choose Zeb Vance or attend Zeb Vance? A. Well, I think in my own mind the provision was introduced because in educational fields we think that it is good to have some alternatives to a particular plan. On occasion, if you have that alternative, it may save your plan.

Q. What do you mean by that? A. To allow those who object vehemently to a particular course of action something else to choose from.

Q. Something— A. Something else to choose from.

Q. Is that why you used freedom of choice? A. I think that's one of the purposes of freedom of choice.

Q. And the reason for the provision that the students who were assigned to Irwin and Second Ward who did not want to go to the school to which they were assigned by the Board that they would be allowed to attend the next nearest school was to give them another chance or another alternative? A. To give a second alternative.

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Q. Well, why did you limit them to the next nearest school? [76] A. I don't know.

Q. Can they request transfer to another integrated school? A. I would assume that these youngsters, upon being assigned could exercise freedom of choice to another school.

Mr. Chambers: I have nothing further.

Mr. Waggoner: No further questions, Your Honor.

Court: All right, come down, Dr. Self.

I have a statement which was supplied by the record of a specially called meeting of the League of Women Voters recently, expressing their belief that the community should assume the responsibility for desegregating the schools and improving the quality of education, expressing generally support for the point of view that the plan proposed by the Board is unfair and one-sided and that the Weil plan should be made public.

You may put this in the record, Miss McKnight.

Mr. Chambers: Your Honor, I'd like to correct the record. When I was discussing the Weil plan previously I made reference to it being admitted under Rule 46.

Court: Well, I don't remember the numbers of the rules, either, Mr. Chambers.

Mr. Chambers: I meant Rule 43(e). We would like to identify that map and the overlay, as Plaintiffs' Collective Exhibit # —.

Mr. Waggoner: Your Honor, we would like the Court [77] to order that this be held confidentially in the Clerk's office.

Mr. Chambers: Does that mean we'll be excluded from looking at it, too?

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Mr. Waggoner: No, sir. Just counsel will be permitted to review it and the Court.

Court: Do you want it to be confidential from the Court or do you want the Court to consider it in making up the timetable?

Mr. Waggoner: No, sir. As I understand, he is introducing this on the basis it's excluded testimony and it will be in the record in the event he appeals and, therefore, it is not properly evidence in the case. It's merely an offer of proof under Rule 43(e), and therefore it really does not constitute evidence in the case but the proof is offered.

Mr. Chambers: Your Honor, I don't recall the Court actually ruling that it could not be admitted. The Court was considering its relevance but never ruled that it was not admissible. I was tendering it really under the rules so that whatever determination the Court made, we would at least have it in case the matter were appealed to the Fourth Circuit.

Court: Well, in view of the fact that the Court is not going to consider what was said about the Weil plan in making any extended timetable for further action by the Board, the request that the Weil plan not be publicized will [78] be granted and it will be kept confidential by the Clerk except as to counsel, unless and until good cause is shown to the contrary. It will be open to all counsel who want to see it. It will be considered as evidence unrestricted in the event the record on appeal needs to be made up. I will not undertake to understand it myself and I will not consider in any further orders how long it would take to develop the Weil plan. Mr. Weil is getting a lot of free advertising. Does

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that cover what everybody wants about the Weil plan?

Mr. Waggoner: Yes, sir.

Mr. Chambers: No. We'd like to tender that Weil plan as evidence to show that the Board could have adopted a different plan which would have resulted in more complete desegregation of the school system.

Court: Well, I can find that totally without regard to the Weil plan and I will, if need be, but I don't think that's our real problem here. We have a community problem that gets into this court because it raises questions of equal treatment of people under the law. Nobody here created the problem. We have all participated in it. When this case was last heard in 1965—I was just looking back at the original order—the Court could very properly proceed upon the assumption that teacher desegregation could be validly accomplished by having the same proportion of black teachers in a school as you have black pupils. They could proceed [79] upon the assumption there was no duty on the Board to increase or change the racial makeup of a school, and all that was good law under *Briggs against Elliot*, which Judge Parker decided about eight or ten years ago, and all of that law has been changed. But the fact that the Supreme Court has ruled as it did and that it's the duty of the School Board and the court to desegregate the schools now doesn't mean that they need to be hung if it doesn't happen this week. It takes a little time and a little patience and, frankly, I find in the policy change and in the faculty integration and in the somewhat disappointing one-way proposition a lot of action and a lot of implications

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which I think are most favorable for the completion of this job in fairly short order.

I'd like to think, when I'm not mad with somebody myself, that everybody is right and is proceeding according to his own conscience, and with all of us this is true about 95% of the time. It will be helpful if we remembered that we are not just here grading papers on some rule that's been in existence forever, but we are here taking part in a change that nobody here started and nobody here will see the end of. I don't know at this moment what my duty is under the constitution about the approval or disapproval or modification of this plan, but if we can leave here with everyone feeling that he has been fairly heard and that there is time to achieve perfection, then all the [80] commotion may have been somewhat worthwhile.

Mr. Chambers: Your Honor, I'd like to say one thing. Rev. Leake has spoken about the black community reaction to the Board's plan and I must say that what the Court now has before it, I submit, is a plan—and even though an interim one—that should not be approved by the Court. I think for good reasons many of the black citizens in this community have expressed apprehension about the portent of this plan for 1970-71, even if the Court were to approve what we have now. I think the testimony of Dr. Self clearly demonstrates that what we're going to be doing in the future is moving black kids to white schools. Now, we contend in our objections to the plan not only that it is rank discrimination to have one-way busing, but unconstitutional discrimination . . . I mean to say more persuasive discrim-

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ination when you have some clearly easily obtainable means for implementing the constitutional duty of this Board that the Board simply refuses to undertake because of race. I mean specifically that freedom of choice in this system has no constitutional justifications or even any pragmatic justification at this stage. There are many schools in this system, black, that could easily be integrated by this Board now, and to approve a plan now that provides for only one-way integration is only going to set the tone for the rest of the practices by the Board that it will carry out plans of [81] desegregation by moving blacks into white situations. I think that the Brown decision itself clearly pointed out the dilatorious effect this practice would have and I think that we aren't really accomplishing the objectives of Brown to just talk about the idea that we're going to get better educational settings for black students by putting them in white schools without considering also the effect that always moving blacks to white schools will have on the students. Now, we have here in this system, where we are trying to bring the people together as the Court intimated, an opportunity now for showing the black people that we're going to integrate the school system right even beginning 1969-70 by requiring that both black and white students be integrated into all schools in the system. And I think this is the opportunity for doing it and I respectfully request that the Court order that it be done.

We have, as the Court intimated at the beginning, for further consideration by the Board a statute pending and we have our motion for temporary re-

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straining order before the Court and whatever future considerations are given by this Board to a plan, we think, would probably be effected by this statute and we would like to be heard.

Court: I don't want to shorten the discussion of the anti-busing law but it contains a provision in it that the anti-busing neighborhood school law does not apply to [82] any transfer necessitated by over-crowded conditions or other circumstances which, in the sole discretion of the School Board, require reassignment. That is an exception which makes the statute totally null. It's a statute which attracted a lot of attention but which contains a statement in it that this statute doesn't prevent a School Board from doing what for any cause it chooses appropriate to do. As I read the plan which the Board has prepared, they have quite properly read all of the statute instead of its title and read the part that says they may make any transfer or assignment that, in their sole discretion, they desire and they have not considered it in doing what's being done here. I am assuming that they will continue to put that interpretation upon it and we don't really have to deal with the question of a temporary restraining order as far as the Charlotte-Mecklenburg School Board is concerned.

Mr. Stein: Your Honor, may I speak very briefly to that? I think that possibly the statute is not a paragon of clear legislative drafting, but I would suggest that a contrary interpretation to that which you have given it might be read into it and that as it stands it has the possibility of having a chilling