

Colloquy

effect upon the prospects for integration. May we point out that the plan that they have provided for looks to the exceptions in the statute, not the general one you speak of, but the provision here which allows for **【83】** freedom of choice for everybody. I think that despite the testimony of the Superintendent, the fact they left Zeb Vance over there, giving all black students an opportunity to apply there, the fact that on Page 2 they talk about closed schools and temporarily reassigned pupils looks to the provision in the statute which says the provisions of this article shall not apply to temporary assignment due to the unsuitability of the school for its intended purpose. That's their claim here. You might be right, Your Honor, that there is a total escape clause here, but we would urge that in your order, which we expect shortly, that some language be in there directing the Board to do what you seem to suggest they have already done, and that is to ignore the statute.

Court: I suppose since you haven't paid any attention to it anyhow, it's not material what's done as long as there is no door being closed against a hearing by the State of North Carolina, which is not represented here today.

Mr. Weinstein: Your Honor, we have consulted with the Attorney General's office in view of the fact that they have, at least tentatively, the State Superintendent of Education, the State Board of Education, been made parties and we are informed by Mr. Ralph Moody, the Deputy Attorney General of North Carolina, that they intend to take a posi-

Colloquy

tion with reference to the statute now being discussed. Mr. Moody did not have notice that this might come up today until late [84] yesterday and he was in Washington and he asked us to convey the message to the Court that he would urge the Court to defer any action with reference to the statute until he had an opportunity to be heard.

Court: Certainly nothing done today will be binding upon the State and I'm just a little bit undecided whether to put any temporary restraint on the School Board in view of the fact that they've read the statute and it's not inhibiting their action here. I'm just going to have to think a little about whether to include any kind of restraint on the School Board. My inclination is really not to do it but I've got to think some about it.

Mr. Weinstein: Your Honor, as I read the statute I heard the words used with reference to some statutes that the exception swallowed the statute and we have testimony here that these exceptions, with reference to the plan pending before the Court, swallow the statute. There's no objection to what's been presented to this Court or what is contemplated for the future.

Court: Is there anything else that counsel wants to say? I would like to talk with all the lawyers as soon as court adjourns.

I'd like to express my thanks to all of you who came today and stood and sat so quietly through a right warm afternoon. Adjournment, please.

**Answer of the Defendants, the North Carolina State
Board of Education and Superintendent of Public
Instruction of the State of North Carolina, to the
Supplemental Complaint**

(Filed August 11, 1969)

(1) Answering the allegations of Paragraph I of the Supplemental Complaint, these answering defendants allege that the order allowing the plaintiffs to file a supplemental complaint is based upon a motion which was filed in the Office of the Clerk of the Federal Court for the Western District on July 22, 1969, and the order of the Judge of the District Court was also filed on the same date, July 22, 1969, and said order allowing said Supplemental Complaint to be filed is void, invalid and contrary to due process of law for that the North Carolina State Board of Education and the State Superintendent of Public Instruction were never given an opportunity to appear before the Court and resist said Motion, but, to the contrary, the same is an *ex parte* order entered without service upon the said defendants of any notice or copy of said motion prior to the granting of said order; it is admitted that there is quoted in Paragraph I of the Supplemental Complaint a portion of Chapter 1274 of the Session Laws of 1969 of the General Assembly of this State; it is denied that the plaintiffs are entitled to any preliminary and permanent injunction as against these State defendants or that the plaintiffs are entitled to a declaratory judgment as against these defendants.

(2) Answering the allegations of Paragraph II of the plaintiffs' Supplemental Complaint, it is denied that this Court has jurisdiction as against these State defendants under Federal statutes cited in said paragraph or under the

*Answer of the Defendants, the North Carolina
State Board of Education, Etc.*

constitutional provisions cited in said paragraph; it is denied that G. S. 115-176.1 is unconstitutional and invalid or that the plaintiffs are entitled to any declaratory judgment or the convening of a 3-judge federal court; the allegations of Paragraph II are, therefore, untrue, and are denied.

(3) The allegations of Paragraph II are untrue and are denied except the allegation as to the status of the plaintiffs being the same plaintiffs who instituted the original action; it is denied that the plaintiffs are entitled to maintain a class action as against these State defendants.

(4) Answering the allegations of Paragraph IV, these State defendants have nothing to do with the defendants named as the Charlotte-Mecklenburg Board of Education and the individual members thereof, and, therefore, are not required to answer the allegations of subparagraph (a) of Paragraph IV of the Complaint; it is alleged, therefore, that the duties of North Carolina State Board of Education and of Dr. A. Craig Phillips are fixed by State statutes, and, therefore, the allegations of subparagraphs (b) and (c) are denied.

(5) The allegations of Paragraph V are admitted.

(6) The allegations of Paragraph VI are admitted.

(7) Answering the allegations of Paragraph VII, these State defendants allege that the same relate to a motion for further relief filed against the Charlotte-Mecklenburg Board of Education, hearings on same, orders to submit plans of desegregation and matters with which these State defendants are not concerned, and these State defendants allege that they are not required to answer said Paragraph VII.

*Answer of the Defendants, the North Carolina
State Board of Education, Etc.*

(8) The allegations of Paragraph VIII of the Complaint relate to matters with which these State defendants are not concerned and of which they have no knowledge or information sufficient to form a belief as to the truth of same, and as to these State defendants the allegations of said paragraph are, therefore, denied.

(9) Answering the allegations of Paragraph IX, these State defendants allege that said allegations relate to matters that these defendants are not concerned with and with which State defendants have not knowledge or information sufficient to form a belief to form the truth of same and as to these defendants said paragraph is, therefore, denied.

(10) Answering the allegations of Paragraph X, the State defendants allege that whatever appears in the orders of the Court previous to the filing of this Supplemental Complaint are matters of record, and, therefore, they are not required to answer as to same.

(11) Answering the allegations of Paragraph XI, these State defendants allege that the General Assembly of North Carolina at its Session of 1969 enacted into law an Act which is now codified as G. S. 115-176.1 and that said Act was ratified on July 2, 1969; that said Act speaks for itself as to its contents, and except as herein admitted the allegations of Paragraph XII are untrue and are denied.

(12) The allegations of Paragraph XII are untrue and are therefore, denied.

(13) The allegations of Paragraph XIII are untrue and are therefore, denied.

(14) The allegations of Paragraph XIV are untrue and are therefore, denied.

*Answer of the Defendants, the North Carolina
State Board of Education, Etc.*

WHEREFORE, having fully answered, these State defendants pray the Court that this action as to the State defendants be dismissed, that the plaintiffs take nothing by their action as to these State defendants and that the State defendants have and recover their costs to be taxed by the Clerk of this Court.

/s/ ROBERT MORGAN
Attorney General of North Carolina

/s/ RALPH MOODY
Deputy Attorney General

/s/ ANDREW A. VANORE, JR.
Staff Attorney

P. O. Box 629
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Order dated August 15, 1969**PRELIMINARY SUMMARY**

Pursuant to this court's June 20, 1969 order, the defendants submitted on July 29, 1969 an amended plan for desegregation of the Charlotte-Mecklenburg schools, including a highly significant policy statement accepting for the first time the Board's affirmative constitutional duty to desegregate students, teachers, principals and staffs "at the earliest possible date." On August 4, 1969, a report was filed in connection with the plan. A hearing was conducted on August 5, 1969. The plan is before the court for approval.

Because the schools must open September 2, and because the Board's plan includes both substantial action and genuine assurance of sustained effort toward prompt compliance with the law of the land, the plan of operation, for 1969-70 only, is approved and as indicated below, the defendants are directed to prepare and file by November 17, 1969, detailed plans and undertakings for completion of the job of desegregating the schools effective in September, 1970.

THE AMENDED PLAN—AND ITS RECEPTION

The plan proposes, among other things, to close seven old all-black inner-city schools and to assign their 3,000 students to various outlying schools, now predominantly white, mostly in high rent districts.

This technique of school closing and reassignment has been employed in dozens of school districts to promote school desegregation. It is not original with the local School Board.

The school closing issue has provoked strident protests from black citizens and from others; evidence showed that

Order dated August 15, 1969

an estimated 19,000 names are listed on a petition denouncing the plan as unfair and discriminatory. The signers add their own brand of protest to that of the 21,000 whites who last May (though protesting their acceptance of the principles of desegregation) raised a "silk-stockings" community outcry against bus transportation except to schools of individual choice. Another 800 white Paw Creek petitioners have joined in protest against a part of the plan under which some 200 fifth and sixth grade pupils would be assigned to re-opened Woodland, a new unused (and formerly black) school. Comment from people who have not studied the evidence tends to ignore the law—the reason this question is before a *court* for decision—and to concentrate on public acceptance or what will make people happy. A correspondent who signs "Puzzled" inquires:

"If the whites don't want it and the blacks don't want it,
why do we have to have it?"

The answer is, the Constitution of the United States.

**THE CONSTITUTION—THE LAW OF THE LAND—REQUIRES
DESEGREGATION OF PUBLIC SCHOOLS**

North Carolina reportedly refused to ratify the United States Constitution until the Bill of Rights had been incorporated into it. The Fourteenth Amendment to that Constitution, now part of the Bill of Rights, guarantees to all citizens the "equal protection of laws." In *Brown v. Board of Education*, 347 U. S. 483 (1954), 349 U. S. 294 (1955), the Supreme Court held that racial segregation in public schools produces inferior education and morale, restricts opportunity for association, and thus violates the equal protection guaranty of the Constitution and is unlawful. In *Green v. New Kent County School Board*, 391

Order dated August 15, 1969

U. S. 430 (1968), and two other simultaneous unanimous decisions, the Supreme Court held that school boards have the *affirmative duty* to get rid of dual school systems, to eliminate "black schools" and "white schools," and to operate "just schools." The Court said:

"The burden on a school board today is to come forward with a plan that promises realistically to work and promises realistically to work *now*." (Emphasis on the word "*now*" was put in the text by the Supreme Court.)

For years people of this community and all over the south have quoted wistfully the statement in *Briggs v. Elliott* by Judge John J. Parker (who at his death was one of my few remaining heroes) that though the Constitution forbids segregation it does not require integration. Passage of time, and the revelation of conditions which might well have changed Judge Parker's views if he had lived, have left Judge Parker's words as a landmark but no longer a guide. The latest decision on this subject by the Fourth Circuit Court of Appeals (which is the court that first reviews my actions) contains this statement:

"The famous *Briggs v. Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration, is now dead." *Hawthorne v. Lunenburg*, Nos. 13,283, 13,284, Fourth Circuit Court of Appeals, July 11, 1969.

"Freedom of choice," as this court has already pointed out, does not legalize a segregated school system. A plan with freedom of choice must be judged by the same standard as a plan without freedom of choice—whether or not the plan desegregates the public schools. The courts are concerned primarily not with the techniques of assigning

Order dated August 15, 1969

students or controlling school populations, but with *whether those techniques get rid of segregation of children in public schools.* The test is pragmatic, not theoretical.

**CONTINUED OPERATION OF SEGREGATED PUBLIC
SCHOOLS IS UNLAWFUL**

The issue is one of law and order. Unless and until the Constitution is amended it is and will be unlawful to operate segregated public schools. Amending the Constitution takes heavy majorities of voters or lawmakers. It is difficult to imagine any majority of Supreme Court, of Congress or of popular vote in favor of changing the Constitution to say that public school pupils may lawfully be kept in separate schools because they are black. A community bent on "law and order" should expect its school board members to obey the United States Constitution, *and should encourage them in every move they make toward such compliance.* The call for "law and order" in the streets and slums is necessary, but it sounds hollow when it issues from people content with segregated public schools.

The questions is not whether people like desegregated public schools, but what the law requires of those who operate them.

***THE DUTY TO OBSERVE THE CONSTITUTION AND DESEGREGATE THE SCHOOLS CANNOT BE REDUCED OR AVOIDED BECAUSE OF SOOTHING SAYINGS FROM OTHER GOVERNMENT OFFICIALS NOR OUTCRYES FROM THOSE WHO WANT THE LAW TO GO AWAY.**

The rights and duties of the parties to this suit are in this court for decision according to *law*—not according to HEW guidelines or public clamor. The court and the school board are bound by the Constitution. *So are the legislative and executive branches of government.* No one in Washingt-

583a

Order dated August 15, 1969

ton or Raleigh or local government is above or beyond the Constitution. None have power to change it except by lawful means. None have *or claim* the power to interfere with the courts in cases like this one. The malleable HEW "guidelines" put out by the President's administrator for educational affairs, and dubious inferences from statements of other officials, however highly placed, are irrelevant to the constitutional rights of the parties in this case. Also irrelevant are soothing sayings of the Vice President (who has the duty in this area) to black-tie political audiences, and the not-so-soothing sayings of citizens who erroneously talk as if the school segregation issue were a simple matter of political pressure and short-term public opinion. As for the Attorney General of the United States, he has just filed the biggest desegregation suit of all—*against the whole State of Georgia!* Segregation of children in public schools, whether they be black or white, and regardless of whether they do or don't want to stay apart, is unlawful. As the Supreme Court said in *Brown II*:

“. . . the vitality of these constitutional principles can not be allowed to yield simply because of disagreement with them.”

THE SCHOOL BOARD'S NEW PLAN REPRESENTS SUBSTANTIAL PROGRESS.

Against this background the Board's new plan is reviewed:

1. The most obvious and constructive element in the plan is that the School Board has reversed its field and has accepted its affirmative constitutional duty to desegregate pupils, teachers, principals and staff members “at the earliest possible date.” It has recognized that whe people

584a

Order dated August 15, 1969

live should not control where they go to school nor the quality of their education, and that transportation may be necessary to comply with the law. It has recognized that easy methods will not do the job; that rezoning of school lines, perhaps wholesale; pairing, grouping or clustering of schools; use of computer technology and all available modern business methods can and must be considered in the discharge of the Board's constitutional duty. This court does not take lightly the Board's promises and the Board's undertaking of its affirmative duty under the Constitution and accepts these assurances at face value. They are, in fact, the conclusions which necessarily follow when any group of women and men of good faith seriously study this problem *with knowledge of the facts of this school system and in light of the law of the land.*

2. In the second place, by the following actions the Board has demonstrated its acceptance of its stated new policies:

a) The desegregation of faculties and the non-racial reassignment of principals and employees from newly closed schools. In the formerly all-black faculties the Board has dramatically exceeded its goal. It is assumed by the court that this process of faculty desegregation will continue and that the goal for 1970-71 will be that faculties in all schools will approach a ratio under which all schools in the system will have approximately the same proportion of black and white teachers.

b) The closing of seven schools and the reassignment of 3,000 black pupils to schools offering better education.

Order dated August 15, 1969

- c) The reassignment of 1,245 students from several overcrowded primarily black schools to a number of outlying predominantly white schools.
- d) The announced re-evaluation of the program of locating and building and improving schools, so that each project or site will produce the "greatest degree of desegregation possible."
- e) The Board correctly and constructively concluded that the so-called "anti-bussing law" adopted by the General Assembly of North Carolina on June 24, 1969, does not inhibit the Board in carrying out its constitutional duties and should not hamper the Board in its future actions. Leaving aside its dubious constitutionality (if it really did what its title claims to do) the statute contains an express exception which renders it ineffectual in that it does not prevent "any transfer necessitated by overcrowded conditions or other circumstances which in the sole discretion of the School Board require reassignment."
- f) The elimination without objection of the former provision which had the effect of inhibiting transfer rights of black would-be athletes.
- g) Quite significantly, the Board calls upon the Planning Board, the Housing Authority, the Redevelopment Commission and upon real estate interests, local government and other interested parties to recognize and share their responsibility for dealing with problems of segregation in the community at large as well as in the school system.
- h) The proposals for programs of "compensatory education" of students, and for teacher orientation and

Order dated August 15, 1969

exchange of activities among black and white students. The court assumes that these somewhat vaguely stated ideas will become implemented with concrete action.

3. *The Seven School Problem.*—The Board plan proposes to close Second Ward High School, Irwin Avenue Junior High School and five inner-city elementary schools (five of which were already marked for abandonment) and to reassign their 3,000 students to outlying white schools. This part of the plan has struck fire from black community leaders and some other critics. Counsel for the plaintiffs contend that it puts an unconstitutional and discriminatory burden upon the black community with no corresponding discomfort to whites. One spokesman for a large group of dissenting and demonstrating black citizens was allowed to express his views at the August 5, 1969 hearing. Threats of boycotts and strikes have been publicized.

This part of the plan is distasteful, because all but 200* of the students being reassigned *en masse* are black. It can legitimately be said and has been eloquently said that this plan is an affront to the dignity and pride of the black citizens. Pride and dignity are important. If pride and dignity were all that are involved, this part of the plan ought to be disapproved. The court, out of forty-year memory of four years of transportation on an unheated Model-T school bus thirteen miles each way from a distant rural community to high school in a "city" of 4,000, is fully aware how alien and strange are the sensations experienced by a school child who is hauled out of his own community and into a place where the initial welcome is uncertain or cool.

* The 200 students being reassigned from Paw Creek to Woodland are white.

587a

Order dated August 15, 1969

However, this part of the plan is not compulsory. Students who want to remain in the comfort of their familiar area may elect to attend the Zebulon Vance School instead; alternatives are also provided for the junior high school students.

Moreover, as one of the attorneys remarked at the first hearing in a discussion about reassignments and school busses: "The question is really not one of 'bussing' but whether what the child gets when he gets off of the bus is worth the trouble."

I personally found the better education worth the bus trip.

Despite their undoubted importance, pride and dignity should not control over the Constitution and should not outweigh the prospects for quality education of children. The uncontradicted evidence before the court is that segregation in Mecklenburg County has produced its inevitable results in the retarded educational achievement and capacity of segregated school children. By way of brief illustration a table follows showing the contrasting achievements of sixth grade students in five of the closed schools (Bethune, Fairview, Isabella Wyche, Alexander Street and Zeb Vance) and in five of the schools to which black students are going to be transferred:

Order dated August 15, 1969

AVERAGE ACHIEVEMENT TEST SCORES

SIXTH GRADE—1968-69

	SP.	LANG.	ACM. (Math)	WM (Word Meaning)
(Bethune	45	34	41	41
(Ashley Park	61	62	56	58
(Fairview	46	38	42	39
(Westerly Hills	61	61	52	57
(Isabella Wyche	41	34	40	38
(Myers Park	80	84	58	73
(Alexander Street	45	38	34	40
(Shamrock Gardens	57	62	53	56
(Zeb Vance	38	34	39	42
(Park Road	71	75	58	66

This alarming contrast in performance is obviously not known to school patrons generally.

It was not fully known to the court before he studied the evidence in the case.

It can not be explained solely in terms of cultural, racial or family background without honestly facing the impact of segregation.

The degree to which this contrast pervades all levels of academic activity and accomplishment in segregated schools is relentlessly demonstrated.

Segregation produces inferior education, and it makes little difference whether the school is hot and decrepit or modern and air-conditioned.

It is painfully apparent that “quality education” can not live in a segregated school; *segregation itself is the greatest barrier to quality education.*

As hopeful relief against this grim picture is the uncontradicted testimony of the three or four experts who

Order dated August 15, 1969

testified, some for each side, and the very interesting experience of the administrators of the schools of Buffalo, New York. The experts and administrators all agreed that transferring underprivileged black children from black schools into schools with 70% or more white students produced a dramatic improvement in the rate of progress and an increase in the absolute performance of the less advanced students, without material detriment to the whites. There was no contrary evidence. (In this system 71% of the students are white and 29% are black.)

Moreover, the Board's announced policy and the uncontradicted testimony of the superintendent show that serious arrangements are being made to welcome, rather than rebuff, the transferees into all school activities. This is something new and important.

No legal authority is cited that the Constitution prohibits transport of consenting black children from an inferior educational environment into a better educational environment for the purpose of complying with the constitutional requirement of equal protection of laws.

The choice of how to do the job of desegregation is for the School Board—not for the court.

The Board has wide discretion in choosing methods; many effective methods are described in the evidence; the court's duty is simply to pass on the legality of the Board's actions. It appears to the court that the improvement in the education of 4,200 school children is the one most obvious result of the Board's plan of action for 1969-70, and that this is more important constitutionally than other considerations which have been advanced.

It is not the intention of this court to endorse or approve any future plan which puts the burden of desegregation primarily upon one race. However, there is not time before September 2, 1969 to do a complete job of reassign-

590a

Order dated August 15, 1969

ing pupils; the plan is a step toward more complete compliance with the law; the court reluctantly votes in favor of the 4,200 school children and approves the plan on a one-year basis.

THE MAJOR TASK LIES AHEAD THIS FALL

The big job remains to be done. After implementation of the current plan, further large scale faculty transfers will still be necessary. Sixteen years after *Brown v. Board of Education*, some thirteen thousand school children will remain in black or nearly all-black schools. Most white students will remain in substantially all-white schools. The failure of the plan to deal with those problems of course can not be approved. The failure of the plan to include a time table for the performance of specific elements of the program of course can not be approved, *Felder, et al. v. Harnett County Board of Education, et al.*, 409 F. 2d 1070 (4th Cir., 1969). These matters must be covered by specific instructions to the Board.

All findings of fact in the previous orders of April 23, 1969, and June 20, 1969, and the supplemental findings of June 24, 1969, are incorporated herein to the extent that they are consistent with the findings, conclusions and orders herein reached and given. All evidence at all hearings is considered in reaching these conclusions.

ORDER

1. The policy statement of the Board is approved.
2. The faculty desegregation program is approved.
3. The plan to desegregate pupils by closing seven all-black schools and assigning their pupils to outlying white

591a

Order dated August 15, 1969

schools is approved only (1) with great reluctance, (2) as a one-year, temporary arrangement, and (3) with the distinct reservation that "one-way bussing" plans for the years after 1969-70 will not be acceptable. If, as the school superintendent testified, none of the modern, faculty-integrated, expensive, "equal" black schools in the system are suitable for desegregation now, steps can and should be taken to change that condition before the fall of 1970. Unsuitability or inadequacy of a 1970 "black" school to educate 1970 white pupils will not be considered by the court in passing upon plans for 1970 desegregation. The defendants contended and the court found in its April 23, 1969 order that facilities and teachers in the various black schools were not measurably inferior to those in the various white schools. It is too late now to expect the court to proceed upon an opposite assumption.

4. The plan to reassign 1,245 students from presently overcrowded black schools is approved.
5. Reassignment of the Paw Creek students to Woodland is approved.
6. The proposals of the Board for restructure of attendance lines; for consideration of pairing and grouping schools; for review of the construction programs; and for support programs, student exchange and faculty orientation are approved in principle, although for lack of specific detail and time table they are not approved as presented.
7. The Board is directed to prepare and present by November 17, 1969, the following:
 - (1) Plan for complete faculty desegregation for 1970-71.

Order dated August 15, 1969

(2) Plan for student desegregation for 1970-71, including making full use of zoning, pairing, grouping, clustering, transportation and other techniques, complete with statistics and maps and other data showing precisely what (subject to later movement of pupils) the assignment of pupils and teachers will be for the year 1970-71, having in mind as its goal for 1970-71 the complete desegregation of the entire system to the maximum extent possible. (The assumption in the Board's report that a school is desegregated when it has as many as 10% of a minority race in its student body is not accepted by the court, and neither the Board nor the court should be guided by such a figure.) "Possible" as used here refers to educational—not "political"—possibility. If Anson County, two-thirds black, can totally desegregate its schools in 1969, as they have now done, Mecklenburg County should be able to muster the political will to follow suit.

(3) A detailed report showing, complete with figures and maps, the location and nature of each construction project proposed or under way, and the effect this project may reasonably be expected to have upon the program of desegregating the schools.

8. Since a mid-city high school may prove most desirable, the Board is directed pending further orders of court not to divest itself of any land, options, rent arrangements or other access to or control over real estate which it may now have in the Second Ward area.

9. Jurisdiction is retained.

This the 15th day of August, 1969.

/s/ JAMES B. McMILLAN
James B. McMillan
United States District Judge

Order dated August 29, 1969

The School Board's amended plan for desegregation of the Charlotte-Mecklenburg schools was approved by order of court dated August 15, 1969. The Board has now tendered a modification to this plan which was filed today, August 29, 1969.

The modification relates to the facilities to be provided for those black children whose parents exercise freedom of choice to attend a black elementary school in the inner city instead of attending the white schools listed in the July 29, 1969 plan which has already been approved by the court.

The amendment calls for using the building of former Irwin Avenue Junior High School with certain minor renovations, instead of Zeb Vance School, and a limit of six hundred students upon those who would be admitted to this program at Irwin Avenue School. This part of the motion to amend is approved. The choice of building, *per se*, is a matter for the School Board, not the court.

The amendment proposes that the Irwin Avenue School would be operated "as an innovative school." The court does not know what this means. If by this phrase is meant that anything will be done to make this school more attractive to the black students than the black schools they have been attending, then the program will constitute the location and use of a school facility for the purpose of promoting segregation which by previous decisions of this and other courts the defendants have been fully advised is unconstitutional. *Felder, et al. v. Harnett County, North Carolina*, 409 F.2d 1070 (4th Circuit, 1969) (decided April 22, 1969), and cases cited therein. The addition of "innovations" at Irwin Avenue School will not be approved by the court unless these "innovations" have been arranged and

594a

Order dated August 29, 1969

provided for all the black students who transfer to white schools under the July 29, 1969 plan of the Board previously approved. The phrase "innovative" may refer to what the Board has heretofore called "compensatory education." The court has not yet been advised of any performance by the Board in line with the undertaking in its July 29, 1969 plan to provide "compensatory education" for pupils who lag behind their classmates in academic achievement. Unless and until the court can be informed and satisfied that this "compensatory education" is provided in the other schools, the court is of the opinion that providing it in the Irwin Avenue School would set up a magnet to attract black children away from desegregated assignments and therefore on the present record at least that part of the plan is disapproved.

The proposal to provide transportation for any of the students attending Irwin Avenue School is expressly disapproved. The effect of providing transportation is to subsidize at tax payers' expense those who are actively seeking to defeat the constitutional mandate to desegregate the schools. No authority is advanced or suggested to justify such a flagrant violation of the law, and none has been imagined by the court. The Board is expressly restrained from and enjoined against providing transportation in any form to any student in the system, black or white, which may or might enable him to travel any part of the distance from his home to or from any school elected by or for him under "freedom of transfer" or "freedom of choice," except that the Board may provide transportation as previously ordered by this court to those students who elect to transfer or who are transferred by the Board from a school in which their race is in a majority to a school in which their race

595a

Order dated August 29, 1969

is in the minority. As this court pointed out before, bus transportation has too long been used as a tool to promote segregation. The year 1969 is too late in the day to start using this tool for that purpose in new situations.

This the 29th day of August, 1969.

/s/ JAMES B. McMILLAN
James B. McMillan
United States District Judge

Motion for Further Relief and for Show Cause

(Filed September 2, 1969)

Plaintiffs, by their undersigned counsel, respectfully move the Court for further relief and for a show cause order in the above styled cause and, as grounds therefore, show the Court the following:

1. On August 15, 1969, the Court entered an Order approving an amended plan of desegregation for the Charlotte-Mecklenburg Public Schools filed by the defendant Board. The plan provided generally (1) for the closing of seven all-black schools, five elementary schools, one junior high school and one senior high school; (2) the transfer of these students to previously all white schools; (3) the transfer of some black students from overcrowded black schools to previously all-white schools; (4) the restructuring of attendance zones; (5) reviewing the construction program; (6) the initiation of a compensatory education plan to assist pupils who are behind their classmates in academic achievement; (7) an increase in desegregation of teachers and school personnel with a more extensive program of in-service training for such personnel; (8) the grouping of schools for student exchange; and a policy statement with respect to the Board's obligation to affirmatively desegregate schools and to provide equality of educational opportunities for all students. The closing of the seven black schools and the reassignment of some black students from overcrowded black schools would mean an increase of 4125 black students in integrated schools. The Board proposed to provide transportation for the black students who were being reassigned.

In approving the plan, the Court noted its objection to one-way desegregation—imposing the sole burden of desegregation on black students and parents. See also *Brice*

Motion for Further Relief and for Show Cause

v. *Landis*,—F. Supp.—(N.D. Calif., Civ. No. 51805, Aug. 8, 1969). The Court stated however, that in view of the other steps being taken by the Board and the apparent commitment of the Board to now carry out its obligations under the Constitution the Board's plan warranted approval, at least for one year. The Court directed the Board to submit a plan for complete desegregation of the system on or before November 17, 1969.

2. Plaintiffs are now advised that the defendants have failed to implement the plan approved by the Court and in fact have taken steps to impede and limit the desegregation ordered.

(a) The plan approved by the Court retained freedom of choice for students to transfer out of schools after initial assignments to other schools. Zeb Vance Elementary School was designated as a black school to which students in the closed elementary schools could transfer if they elected not to attend integrated schools. Plaintiffs objected initially to this feature of the plan because of the patent inadequacy of this school facility. The Board now proposes to reopen Irwin Avenue School in lieu of Zeb Vance Elementary School and in addition to provide transportation¹ and compensatory education for the students at this school. Plaintiffs have no objection to the reopening of Irwin rather than Zeb Vance if freedom of choice is to continue since Irwin is obviously a better facility.² Plaintiffs submit, however,

¹ Similar transportation is provided for white students who reside in Negro or predominantly Negro school zones who elect under freedom of choice to transfer out to white or predominantly white schools such, for example, as white students transferring from Amay James, Marie G. Davis, Hawthorne and Piedmont.

² The Court on August 29, 1969 entered an Order approving of this proposed change but enjoined the Board from providing transportation and compensatory education.

Motion for Further Relief and for Show Cause

that the operation of this school as well as the other racially segregated schools in the system continues to violate the constitutional mandate to desegregate. Freedom of choice, however, has served and has been utilized by defendants as a means to effectively limit and impede the desegregation of students anticipated by the Court. Of the 1,235 students affected by the closing of the black elementary schools, a substantial portion have elected to attend Irwin or other all black elementary schools. A substantial number of the junior high and senior high school students have also elected to attend all-black schools. Black students have quite appropriately objected to one-way desegregation and have opted, under freedom of choice, not to shoulder the complete burden of desegregation. A fact which is more important, however, is that defendants have failed to institute programs and policies to accommodate those students who choose to remain in the intergrated schools. When all practices of the Board are considered, freedom of choice has not been free but patently illusory. See *Green v. County School Board of New Kent County*, 391 U.S. 430, 20 L. ed. 2d 716; *Monroe v. Board of Commissioners*, 391 U.S. 450, 20 L. ed. 2d 733; *Coppedge v. Franklin County Board of Education*, 372 F.2d 410 (4th Cir. 1968); *United States v. Jefferson County Board of Education*, 372 F. 2d 836 (5th Cir. 1967), aff'd en banc (5th Cir. 1968). The elimination of freedom of choice in this system would promote integration of both black and white schools. No administrative or other constitutionally acceptable reason has been shown for retention of this practice. It should be eliminated now. *Green v. County School Board of New Kent County*. *supra*.

(b) Not one step has been taken by the Board to implement the plan and Court Order with respect to reassigning

Motion for Further Relief and for Show Cause

the black students now in overcrowded black schools. The Court viewed this step by the Board as an indication of its sincerity to desegregate. We are now told that the Board will move some children in the midst of the school year as mobile units are removed and secured although there are spaces available to accommodate some students now. Plaintiffs are advised that none of the children have been advised of pending reassignment. It would be unconscionable to pick up large blocks of black students in the midst of the school year and reassign them to white schools. Despite the order, despite the promises, the Board has done nothing to implement this provision for the beginning of the 1969-70 school year.

(c) The Board has failed to implement the provision of the Order requiring compensatory education for the under-achievers. Subsequent to the Order, the Board proposed to provide such program for the black students who remained at the all-black Irwin School. Nothing, however, has been done in this regard for the black students who have elected to integrate in the previously all-white schools. What the Board proposes is to penalize those students who would integrate while providing compensatory programs for those who remain. The Board should be specifically directed to provide these programs for all students in all schools.

3. School is scheduled to open on September 2, 1969. The Court will not be able to review compliance with its Order in time to insure its complete implementation before the beginning of school. Clearly, however, the anticipated substantial steps toward desegregation (see Order of April 23, 1969) have not been achieved. Nor has the Board taken even the minimal steps to desegregate as directed by the Court. Constitutional rights are involved here. Plaintiffs are entitled to effective relief now.

600a

Motion for Further Relief and for Show Cause

WHEREFORE, plaintiffs respectfully pray:

- (a) That this matter be reopened for consideration of a plan of desegregation for the 1969-70 school year.
- (b) That the defendants be enjoined to adopt and to implement a plan for the 1969-70 school year which will completely desegregate the schools. Plaintiffs pray that the order specifically enjoin the defendants from placing the primary or sole burden of desegregation upon black students and parents.
- (c) That an order be issued directing the defendants to show cause why each of them should not be held in contempt for failing to implement the Court's Order of August 15, 1969.

Respectfully submitted,

/s/ J. LEVONNE CHAMBERS
CONRAD O. PEARSON
203½ East Chapel Hill Street
Durham, North Carolina

CHAMBERS, STEIN, FERGUSON &
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216 West Tenth Street
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New York, New York

Attorneys for Plaintiffs

Order dated October 10, 1969

On April 23, June 20 and August 15, 1969, orders were entered directing the defendants to submit a plan and a time table for the desegregation of the Charlotte-Mecklenburg schools, to be completed by the fall of 1970. Nearly six months after the original order, faculty desegregation is well along and there have been a number of substantial improvements in the stated policies of the Board, including the stated assumption of duty by the Board to desegregate the schools "at the earliest possible date." Limited steps have been taken toward compliance with the pupil desegregation provisions of that original order. However, the major part of the job remains undone, and no plan for desegregation of the entire system has apparently been voted on by the Board.

The latest order set November 17, 1969, as the revised date for defendants to file a complete plan and time table. Defendants have now filed a 15-page motion and supporting affidavit asking the court to extend by another two and one-half months, to February 1, 1970, the time for compliance with the orders. Plaintiffs oppose the extension.

The justification advanced for this delay is that they have hired a systems analyst to re-draw attendance lines, and that the three months between August 15 and November 17 are not enough time to program a computer and prepare a plan.

It would be a happy day if the job could be turned over to a computer. A computer, if programmed objectively, could produce objective results; all could blame the machine (in addition to the court) for any unpleasant decisions. Also, the court would like to avoid unnecessary pressure on the school staff and administrators.

However, the information thus far available is inadequate to justify the extension. Computers are for time-saving,

602a

Order dated October 10, 1969

not delay. The computer work was estimated by the Board's chosen systems analyst, Mr. Weil, to require ninety man days of work. He proposes to consume ninety calendar days with this job! The Board's motion says that their decisions about construction and location of 21 building projects (involving many millions of dollars) are to be held up pending development of the plan. The school budget approaches fifty million dollars. The question fairly arises why the Board should not employ or assign more than one person at a time to feed the computer. Mr. Weil's original plan, which is in evidence, was prepared in a very few days. The court has on file also three or four other plans, including at least one which local school officials say is educationally and technically feasible, which were prepared in a few days each. The use of a computer does not appear to justify the delay.

Moreover, computers cannot make political nor legal decisions; they react to what is fed into them; and the request for postponement leaves the court to speculate over what will be fed into the computer. The motion does not say that Mr. Weil has been instructed by the Board to frame a plan to desegregate the schools; his commission, by a Board committee only, is limited to re-drawing attendance lines; the vague references in the Board's motion to his instructions as to travel limitation and specified school capacities and desirable racial balance permit the inference, in fact, that his mission could be *re-segregation* of much of the system.

The motion also contains no commitment on the part of the Board to adopt any plan that the computer may produce; it gives no information about the Board's intentions as to other desegregation methods it will use; and it promises no *result* from the delay except *consideration* by the

603a

Order dated October 10, 1969

Board of a computer plan for re-arranging school lines.

The motion is preoccupied with one *method*, and silent about *results*.

Before passing on the motion, the court has a duty to discover what the Board has accomplished since its July 29 promises were made, and whether the extra time will promote genuine progress toward compliance with the Constitution or whether it will just be time lost.

The Board is therefore directed to file with the court by October 29, 1969, the following information:

1. A full statistical report on the results of the closing of the inner-city schools and where the 4,200 black pupils the Board proposed on July 29 to transfer to white schools are actually going to school as of October 10, 1969.
2. The figures regarding the effect of freedom of transfer on the desegregation proposed in the July 29, 1969 plan for closing inner-city schools and transferring their students.
3. A report on freedom of choice or freedom of transfer: How many children, by school or location and race, chose to transfer out of and into the various schools for the 1969-70 year.
4. Full reports on the current numbers and races of the children and teachers in the system, school by school, with percentages of each race for each school.
5. A report on the children being provided bus transportation, school by school.
6. A description of what has been done to provide the compensatory education programs proposed in the July 29 plan and policy statement.

604a

Order dated October 10, 1969

7. A copy of all September and October, 1969, reports of the Board to the Department of Health, Education and Welfare.

Unless the Board has made the hard decisions needed to desegregate the schools, the time spent on a computer plan may well be just more time lost, and delaying decision may simply compress into fewer months next year the decisions that should have already been made. Therefore, in addition to the above, the Board is directed to answer by October 29, 1969, the following questions:

1. What, in verbatim detail, are the instructions that have been given to Mr. Weil?
2. What is Mr. Weil's assigned mission or goal?
3. What areas of the district is he directed to include in his program of re-drawing attendance lines?
4. What areas, if any, is he directed to exclude?
5. What schools will his program affect?
6. Will pairing, grouping or clustering of schools be used by the Board as needed to supplement the computer plan?
7. Will the Weil program of re-drawing attendance lines produce desegregation of all the schools by September, 1970?
8. If the Weil program does not produce desegregation of all the schools by September, 1970, what does the Board plan to do to produce that result?
9. Will any plan produced by the Weil method or any other re-drawing of attendance lines desegregate

605a

Order dated October 10, 1969

the schools if unrestricted freedom of transfer or freedom of choice is retained?

The value of the answers to these nine questions is substantially dependent on whether they are made by vote of the full Board or by non-voting representatives such as attorneys or other agents.

Pending receipt of the above information, the court will defer action on the request for time extension. Action will also be deferred for the present on the motions which have been filed by the plaintiffs which include requests for abolition of freedom of choice and appointment of an outside expert to devise a plan in default of Board action.

This the 10th day of October, 1969.

/s/ JAMES B. McMILLAN
James B. McMillan
United States District Judge

Defendants' Response to Motion for Further Relief

(Filed October 11, 1969)

The defendants, The Charlotte-Mecklenburg Board of Education and the individual Board members, answering the motion of the plaintiffs filed herein on the second day of September, 1969, allege and say:

1. The allegations of Paragraph 1 deal with matters and things appearing of record in this case and this defendant is not required to either admit or deny said allegations.

2-A. The order of the Court dated August 29, 1969, has disposed of the allegations contained in Paragraph 2-A and these defendants are not required to either admit or deny the same.

2-B. The allegations contained in Paragraph 2-B are denied and in further answer thereof, these defendants allege that substantial steps have been taken to implement the plan with respect to re-assigning black students now in over-crowded schools and that the record in this cause expressly discloses that the plan did not contemplate re-assignment of these students until such time as the additional mobile units were available and some students might not be re-assigned until the end of December. It is expected that all students will be re-assigned on or before October 15, 1969.

2-C. The allegations contained in Paragraph 2-C are denied.

WHEREFORE, these defendants pray the Court that the relief demanded by the plaintiffs in said motion be denied

607a

Defendants' Response to Motion for Further Relief

and that these defendants have such other and further relief as it may be entitled to receive.

.....
Brock Barkley
814 Law Building
Charlotte, North Carolina

.....
William J. Waggoner
1100 Barringer Office Tower
Charlotte, North Carolina

608a

The Charlotte-Mecklenburg Schools

Research Report 2-169
and 10-169SUMMATION OF INTEGRATION 1965 (MARCH) AND 1968-69 (OCT. 1, '68)
AND 1969-70 (OCT. 2, '69)

	For Pupils				Professional Staff			
<u>Schools Having Integration</u>								
. For Pupils	<u>1965</u> <u>1 N + 22 W</u> <u>= 23 of 109</u> <u>or 21%</u>	<u>1968</u> <u>16 N + 68 W</u> <u>= 84 of 112</u> <u>or 75%</u> <u>164 + 73 W</u> <u>or 89 of 107</u> <u>(83%)</u>	. For Staff	<u>1965</u> <u>3 N + 0 W</u> <u>= 3 of 109</u> <u>or 3%</u>	<u>1968</u> <u>16 N + 82 W</u> <u>= 98 of 112</u> <u>or 87 1/2% + 18 N + 89 W</u> <u>= 107</u> <u>(or 100%)</u>	<u>1969</u>		
II								
A.	N <u>1965</u> A. Pupils 9W	W <u>476N</u> 1192W	N <u>1968</u> 6704N	W <u>1969</u> Number in Minority Race (integrated) 153W 848N	N <u>1965</u> 5.7W	W <u>1968</u> 0N	N <u>1968</u> 131W	W <u>1969</u> 217W 604
B.								
. Pupils	343N 8697N	16,446W 47,356W		3857N 52,070W	143.3N +0W		374N 2575W	343N 2517
Total Involved by Integration								
. Predominantly <u>Negro Schools</u>				<u>10,011</u>				
-- Pupils	9889		Staff	149		505		560
	352							
. Predominantly <u>White Schools</u>				<u>60,560</u>				
-- Pupils	16,922		Staff	0		2783		3121
Total								
-- Pupils	17,274	63,949	Staff	149		3288		3681
	or 24% of 72,336	or 77% of 83,111		or 5% of 3140 incl. part assignments in schools		or 91% of 3613 assigned at one definite school		on 100%
Enrolled		84,518						

**RACIAL DISTRIBUTION OF PUPILS AND PROFESSIONAL STAFF
1965 (March), 1968-69 (Oct. 1, '68), and 1968-69**

Grade	No. School	1965 Pupils		1968 Pupils		1969 Pupils		Professional Staff							
		N	W	N	W	N	W	1965	W	1968	W	1969	W		
1-6	72	9,364	27,696	76-	13,290	31,545	73-	13,374	31,522	377+	117 1/2	478	1329	499	1344
7-9	17	2,475	11,804	21	5,934	14,741	20-	6,188	15,191	111-	533	228	706	232	694
10-12	8	1,625	10,677	11	4,377	12,313	10-	4,472	12,808	65	479 1/2	178	644	194	666
	97	13,464	50,177	108-	23,601	58,599	103-	24,034	59,521	553 1/2	2184	884	2679	925	2704
Other	12	6,877	1,818	4+	640	271	4+	656	307	323 1/2	79	23	27	22	30
:Kgn. + Trainable															
1-4	1	360								15 1/2					
1-7	2	431	207							17	9 1/2				
1-9	3	729	1611							32	68			866	
5-9	1	505								25 1/2					
1-12	3	2400								113 1/2					
7-12	2	2452								120	1 1/2				
Total	109	20,341	51,995	112	24,241	58,870	107	24,690	59,828	877	2263	907	2706	947	2734
										Include Part-time		Not Include Part-time			
Among teachers assigned to more than one school															

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70*

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			N	%	W	N	%	W	(other)	N	%	W	(other)	N	%	W	N	%	W	(other)			
		N	%	W	N	%	W	N	%	W	N	%	W	N	%	W	N	%	W	(other)				
1-9 '65	Albemarle Rd.	4	1%		499			4	1%		510			6	32%	13	6	30%	14					
	Alexander Street	342	100%		257	100%								14.1	100%	11	100%							
	Allenbrook	50	10%		452			61	12%		452			2	16%	18	5	24%	16					
	Ashley Park	0%	694		0%	553		27	4%		574			0%	22.9	2	9%	20	4	17%	19			
	Bain	0%	674		25	3%	699	33	4%		735			0%	28.2	1	3%	28	5	17%	25			
	Barringer	0%	604		668	84%	131	859	75%		16			0%	24.8	13	92%	18	16	47%	18			
	Berryhill	0%	1026		119	15%	685	114	14%		675			0%	39.6	2	6%	32	6	16%	31			
	Bethune	343	91%	9	223	99%	3							17.6	100%	11	100%							
	Beverly Woods				0%		286	68	9%		684			1	8%	12	5	18%	23					
	Biddleville	434	100%											17.2	100%									
1-9 '65	Billingsville	729	100%		619	100%	2	610	100%		0			32.1	100%	25	100%	16	62%	10				
	Briarwood	2	0%	582	8	1%	640	6	1%		680			0%	23.9	3	12%	22	6	22%	21			
	Brunswick				740	71%	4	774	79%		10			26	73%	2		21	66%	11				
	Chantilly	0%	445		2	0%	491	5	1%		487			0%	18.8	1	5%	21	4	17%	19			
	Clear Creek	0%	207		58	20%	225	51	17%		244			0%	9.6	1	8%	12	3	20%	12			
	Collinswood	0%	375		72	13%	490	111	20%		443			0%	16.1	1	5%	21	3	14%	19			
	Cornelius	0%	241		239	47%	252	195	45%		237			0%	11.3	7	33%	14	5	26%	14			
	Cotswold	0%	631		11	1%	567	23	4%		537			0%	25.0	1	5%	21	4	19%	18			
	Crestdale	97	100%											5.0	100%									
	Davidson	0%	178		101	35%	186	104	36%		186			0%	7.8	1	8%	11	2	17%	10			
1-9 '65	Marie Davis	808	100%		705	100%		691	100%		0			34.3	100%	29	100%	14	48%	15				
	Derita	6	1%	892	165	18%	728	163	19%		688			0%	35.4	3	9%	32	5	14%	30			
	Devonshire	2	0%	474		0%	889	0	0%		903			0%	19.5	4	10%	37	7	18%	31			
	Dilworth	100	20%	401	223	39%	355	113	25%		336			0%	23.8	4	15%	22	3	14%	19			
	Double Oaks	703	100%		800	100%		836	100%		0			28.2	100%	32	100%	19	61%	12				

* Does not include staff assigned to more than one school per HEW request.

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			1965 Pupils			1968-69 Pupils			1969-70 Pupils			1965			1968-69*			1969-70*					
	N	%	W	N	%	W (other)	N	%	W (other)	N	%	W (other)	N	%	W	N	%	W (other)	N	%	W (other)			
Druid Hills	520	100%		504	99%	3	472	97%	3	20.7	100%		20	100%		13	62%	8						
Eastover		0%	704	49	8%	580	42	7%	559		0%	27.1	1	4%	24	4	14%	20						
Elizabeth	5	1%	448	270	59%	194	366	71%	151		0%	22.9	2	9%	21	6	23%	20						
Enderly Park		0%	368	2	1%	374	3	1%	371		0%	14.9	1	6%	15	3	17%	13						
Fairview	702	100%		363	100%					28.0	100%		19	100%										
First Ward	473	100%		749	100%		820	100%	0	22.8	100%		30	100%		17	56%	17						
1765 J. H. Gunn	696	100%								33.6	100%													
Hickory Grove		0%	530	80	13%	531	70	12%	533		0%	21.7	1	4%	23	3	15%	20						
Hidden Valley		0%		977	0%		0	0%	1100		2	5%		35	7	17%	35							
Highland	2	1%	273	47	13%	324	69	15%	305		0%	14.0	1	7%	14	3	19%	13						
Hoskins		0%	342	18	6%	261	13	5%	228		0%	14.7	2	15%	11	3	23%	9						
Huntersville		0%	553	162	22%	560	154	21%	535		0%	22.9	2	7%	25	5	19%	22						
Huntingtowne Farms		0%	358	7	1%	695	7	1%	603		0%	15.1	1	4%	26	4	16%	21						
Idlewild		0%	592	2	0%	521	56	7%	597		0%	23.9	1	4%	22	6	21%	23						
165 Amay James	360	100%		477	100%	1	473	79%	3	15.5	100%		19	100%		13	59%	9						
165 Ada Jenkins	431	100%								17.0	100%													
Lakeview		0%	400	269	65%	147	362	75%	102		0%	18.5	14	7%	5	13	62%	8						
Lansdowne		0%	633			758	75	9%	802		0%	23.9	1	3%	30	6	17%	30						
Lincoln Heights	783	100%		817	100%	2	711	100%	0	29.1	100%		30	100%		16	57%	12						
Long Creek		0%	423	250	35%	466	267	36%	468		0%	17.6	2	7%	26	6	21%	23						
165 Matthews		0%	937	(1-6) 93	11%	742	86	10%	802		0%	39.7	1	3%	32	6	16%	31						
Merry Oaks		0%	538		0%	469	0	0%	442		0%	21.9	1	5%	19	3	16%	16						
Midwood		0%	560	1	0%	522	11	2%	477		0%	24.9	2	9%	21	4	11%	19						
Montclaire		0%	720		0%	722	0	0%	718		0%	29.1	1	4%	27	5	17%	23						
Morgan	305	100%					315	100%	0	14.9	100%													
Irwin Ave. (Elem)																			10	67%	5			

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			N	%	W	N	%	W	(other)	N	N	%	W	(other)	N	%	W	N	(other)				
		N	%	N	%	N	N	%	N	N	N	%	N	N	%	N	N	N	N					
Myers Park	0%	575	23	49%	543	22	59%	456	0%	24.9	1	4%	23	3	12%	22								
Myers Street	820	100%									32.2	100%												
Nations Ford	0%	513	63	10%	585	47	6%	681	0%	21.6	1	4%	25	6	~1%	22								
Newell	0%	463	73	15%	423	74	14%	438	0%	18.3	1	5%	18	3	15%	17								
Oakdale	0%	402	72	13%	480	69	12%	517	0%	17.2	1	5%	21	6	25%	18								
Oakhurst	0%	548	2	0%	615	5	1%	616	0%	22.8	1	4%	23	4	17%	20								
Oaklawn	666	100%		650	100%	613	100%	0	26.0	100%	25	73%	2	11	42%	15								
Olde Providence				10	2%	434	80	14%	512		1	6%	17	5	20%	20								
Park Road	0%	583		0%	551	44	7%	548	0%	22.7	1	5%	21	7	30%	16								
Paw Creek	0%	793	63	7%	861	27	4%	609	0%	30.3	1	3%	31	5	22%	18								
Pineville	0%	364	168	32%	363	146	28%	375	0%	16.2	1	5%	21	4	17%	19								
Pinewood	0%	719		0%	707	0	0%	674	0%	28.1	1	7%	26	4	15%	22								
Plaza Road	0%	400	99	17%	409	88	20%	362	0%	17.7	1	5%	21	4	17%	17								
Rama Road	0%	442	2	0%	777	1	0%	815	0%	18.7	2	7%	27	5	17%	24								
Sedgefield	3	1%	526	7	1%	545	3	1%	548	0%	21.8	2	7%	20	4	17%	19							
5-9																								
165	Plato Price	505	100%						25.4	100%														
	Selwyn	0%	531	5	1%	598	31	5%	617	0%	21.9	1	4%	22	5	14%	21							
	Seversville	96	10%	229						0%	14.8													
	Shamrock Gardens	0%	536		0%	539	0	0%	515	0%	21.9	1	5%	20	4	19%	17							
	Sharon	0%	591		0%	519	89	20%	364	0%	22.9	1	5%	20	4	20%	16							
1-12	Starmount	0%	481	25	3%	713	25	3%	712	0%	20.9	1	3%	28	5	17%	25							
	Statesville Road	0%	650	295	36%	534	333	39%	522	0%	25.9	3	7%	29	8	24%	25							
	Steele Creek	0%	222	12	2%	531	5	1%	509	0%	10.7	1	5%	20	4	18%	18							
1-65	Sterling	699	100%						33.9	100%														
	Thomasboro	0%	885		0%	705	0	0%	690	0%	34.3	2	7%	25	5	17%	22							
	Paw Creek Annex																	1	7%	10				

618a

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			N	W	N	W	N	W	N	W	N	W	N	W	N	W	N	W					
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%					
Torrence-Lytte	1005	100%	324	241	50%	245	322	66%	166	46.1	100%	1	5.6	20	4	15%	18							
Tryon Hills	631	62%	631	61	10%	553	58	7%	578	6.7	15.0	1	4%	23	4	17%	20							
Tuckaseegee										25.8	100%	30	97%	1	23	70%	10							
University Park	700	100%	777	777	100%	825	825	100%	1	19.5	100%	11	100%											
Zeb Vance	465	100%	257	257	100%					8.3	0%	28.3	23	32%	14	23	58%	17						
Villa Heights	23	4%	594	796	56%	126	929	7%	88	2.2	7%	2.2	1	4%	22	4	17%	20						
Wesley Heights	214	10%				569	46	8%	539	0%	15.4	8	46%	12	9	41%	13							
Westerly Hills						293	228	49%	235	0%	25.8	1	4%	27	6	26%	24							
Wilmore	6	2%	323	145	33%	737	1	0%	748	0%	18.7	1	4%	26	6	26%	24							
Windsor Park	1	0%	679	2	0%					14.8	100%													
Winterfield	0%	455		0%	689	48	7%	688	0%	14.0	100%													
Woodland	360	100%								18.6	100%	12	100%											
Woodlawn	283	0%																						
Isabella Wyche	383	100%	222	100%																				
Child Development (Kgn. Centers)																								
Davidson, #1	83	41%	117	80	46%	121				3	30%	7	3	34%	7									
Pineville, #2	166	54%	37	163	79%	43				2	24%	8	2	26%	8									
Seversville, #3	174	57%	26	181	70%	21				8	50%	2	7	74%	3									
Morgan, #4	188	77%	6	187	77%	12				8	80%	2	7	78%	2									

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils			1968-69 Pupils			1969-70 Pupils			Professional Staff									
	<u>Junior High</u>			N	% N	W	N	% N	W (other)	N	% N	W (other)	N	% N	W	1965	1968-69*	1969-70*	
	N	% N	W	N	% N	W	N	% N	W (other)	N	% N	W (other)	N	% N	W	1965	1968-69*	1969-70*	
Albemarle Road				66	7%	881	63	6%	995							4	7%	43	
Alexander	0%	577	347	31%	755	369	31%	771		6	12%	44	8	16%	41	0%	28.9	6	
Cochrane	0%	872	76	5%	1444	79	5%	1552		6	10%	56	12	18%	54	0%	35.4	6	
Coulwood	3	1%	574	119	14%	727	106	12%	770		4	11%	34	6	10%	32	0%	27.1	4
Eastway	0%	1046	3	0%	1364	61	7%	1356		3	5%	55	11	13%	51	0%	43.2	3	
Alex. Graham	0%	1048	8	1%	1084	113	12%	1028		4	7%	43	9	15%	40	0%	43.8	4	
Hawthorne	25	4%	670	492	52%	447	596	56%	472		12	21%	33	15	31%	34	0%	33.9	12
Irwin Ave.	785	100%	666	100%						32	47%	1	42.7	100%					
McClintock	0%	1273	46	4%	1228	93	7%	1288		2	4%	49	10	17%	48	0%	51.5	2	
Northwest	773	100%	932	100%			1052	100%	1	39	100%		22	52%	20	33.7	100%		
Piedmont	121	2%	291	428	51%	53	443	51%	55							0%	26.8	13	
Quail Hollow	0%	766	171	12%	1261	155	12%	1421		3	5%	61	8	13%	55	0%	35.2	3	
Randolph				272	18%	711	289	27%	710		2	5%	38	9	16%	35			
Ranson	9	1%	658	253	30%	586	260	32%	548		6	14%	31	11	31%	25	0%	30.0	6
Sedgefield	6	1%	920	189	17%	802	167	17%	809		5	11%	39	9	21%	34	0%	40.5	5
Smith	0%	1115		0%	1389	55	4%	1436		3	5%	57	9	15%	52	0%	48.6	3	
Spaugh	1	0%	930	186	15%	871	287	17%	839		6	12%	43	10	21%	37	0%	42.5	6
Williams	752	100%	893	100%			1081	100%	0	37	100%		27	-3%	16	34.9	100%		
Wilson	0%	1064	60	5%	1132	71	6%	1145		4	9%	45	9	18%	42	0%	45.6	4	
York Rd. (Kennedy)	(7-12)1041	100%	727	97%	6	854	97%	9		32	17%	1	21	55%	15	49.9	100%		

Learning Academy - 7th & 8th grades
 counted in JH, above,

5 11% 21 4 17% 11

615a

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70*

School	1965 Pupils			1968-69 Pupils			1969-70 Pupils			Professional Staff								
	N	%	W	N	%	W	N	%	W	1965	N	%	W	1968-69*	N	%	W	1969-70*
<u>Senior High</u>	<u>N</u>	<u>%</u>	<u>W</u>	<u>N</u>	<u>%</u>	<u>W</u>	<u>N</u>	<u>%</u>	<u>W</u>	<u>1965</u>	<u>N</u>	<u>%</u>	<u>W</u>	<u>1968-69*</u>	<u>N</u>	<u>%</u>	<u>W</u>	<u>1969-70*</u>
East Mecklenburg	0	%	1782	155	9%	1739	227	11%	1925	4%	79.2	6	7%	85	16	15%	91	
Garinger	2	0%	2266	202	9%	2157	492	11%	2148	5%	100.0	6	6%	102	22	15%	97	
Harding	0	%	1002	169	17%	814	636	47%	720	6%	48.0	4	5%	49	16	42%	56	
Independence				92	9%	962	135	11%	1111			6	9%	59	12	16%	62	
Myers Park	31	2%	1772	158	9%	1855	233	12%	1767	6%	76.7	6	6%	87	17	15%	79	
North Mecklenburg	1	0%	1155	410	37%	1109	462	25%	1185	6%	51.8	6	7%	63	13	17%	64	
Olympic				259	33%	522	376	45%	512			5	11%	39	10	21%	38	
7612-Second Ward	1411	100%	1139	1139	100%	3				70.0	99%	1.5	57	75%	3			
South Mecklenburg	30	2%	1430	106	6%	1812	109	5%	2024	6%	72.0	4	5%	78	17	18%	79	
West Charlotte	1560	100%	1569	1569	100%	0	1658	100%	0	65.0	97%	2.0	74	73%	6	58	67%	29
West Mecklenburg	1	0%	1270	118	8%	1340	148	9%	1444	6%	61.4	4	5%	73	13	15%	71	

**Defendants' Report to the Court Pursuant to Order of
October 10, 1969**

On October 2, 1969, the defendants, Charlotte-Mecklenburg Board of Education and the individual Board members, petitioned the Court for an extension of time in which to file its plan for faculty and student desegregation for the 1970-1971 school year. The Court deferred ruling on the defendants' motion pending submission of certain information to the Court.

1. Attached marked Exhibit "A" is statistical information on the results of closing the inner-city schools and transfers from overcrowded schools and attached marked Exhibit "B", the Court will find information on the desegregation proposal contained in the July 29, 1969 plan.

With reference to elementary schools, those students remaining in the school attendance districts, 463 blacks are attending predominantly white schools and 446 are attending predominantly black schools. Of those students remaining in the Irwin Junior High attendance district, 273 blacks are attending predominantly white schools and 229 are attending predominantly black schools. Of the students remaining in the Second Ward school district, 506 blacks are attending predominantly white schools and 169 are attending predominantly black schools.

The Board is most concerned with the lack of responses of some black students and parents in the overcrowded schools. At the present time, 73 students from Amay James are now attending predominantly white Ashley Park (27 students) and Westerly Hills (46 students). Two trainable classes were transferred from the Wilmore School to predominantly white Berryhill. The anticipated enrollment for Lincoln Heights did not materialize so that it was unnecessary to move children from this school.

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

The Board is continuing to examine new approaches in an effort to gain acceptance by the patrons of moves to relieve overcrowded schools. To this point, efforts have included written communications, meetings in the schools and social worker visitations in the homes. Transportation has been offered in every instance.

In summation, regarding seven closed schools and transfers from overcrowded schools, the total pupils dealt with were 2700. Of this number, only 2216 were available for re-assignment. Twelve hundred eighty-seven (1287) accepted re-assignment and 929 requested freedom of choice. Thirteen hundred fifteen (1315) of the available 2216 black pupils are now going to predominantly white schools.

2. With reference to the inquiry of the Court regarding the effect of freedom of transfer on the desegregation proposed in the July 29, 1969 plan for the closing of inner-city schools and transferring their students, Section 2 of Exhibit "C" discloses the sending and receiving schools for such students electing free choice of transfer totaled 929, 209 of which were granted transfers to predominantly white schools. Exhibit "A" also shows school by school break-down for receiving schools of students electing free choice of transfer.

3. Attached marked Exhibit "C" is a report of the number of children, by school and race, who chose to transfer out of and into the various schools for the 1969-70 year. This information reinforces the Board's prior position that free choice of transfer has had little adverse effect on desegregation. The Court's attention is directed in Section 1 to Albemarle Road Elementary School and it is noted that 13 white students were granted transfers to

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

enter and 14 were granted transfers to leave, leaving the school with one less white student than originally assigned. By following this comparison, it is easy to note that the racial composition of the schools has been affected very little by free choice of transfer.

Attention is called to the fact that in Section 1 of Exhibit "C", there were 1610 requests for transfer, of which 1200 were granted. Black students lodged 504 requests and were granted 402. In addition, 929 black students from the closed inner-city schools requested and were granted transfers. Thus, 1331 black students and 798 white students were granted free choice of transfer for the year 1969-1970.

4. Attached marked Exhibit "D" is a report on the current numbers and races of children and teachers in the system, school by school, with percentages of each race for each school.

The first page of this exhibit is a summation that reflects the prior information presented to the Court with the addition of information for the year 1969. An interpretation of this information on the summation page shows that in 1969, 89 of 107 schools served both races. The 16 predominantly Negro schools integrated had 1153 white pupils and 8858 Negro pupils to account for a total of 10,011 pupils in predominantly black schools. The 73 integrated predominantly white schools had 8490 black students attending school with 52,070 white students. Thus, 60,560 students attend predominantly white integrated schools. Integrated schools have a total of 70,571 students, representing 83.5 per cent of all students served by the system. Interpretation of the staff summation shows that

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

all schools are integrated, 18 schools of which are predominantly Negro and 89 schools of which are predominantly white. It is noted that the number of students attending schools having no desegregation of their student bodies has been reduced from 19,258 in 1968-69 to 13,947 students for the year 1969-70. During 1969, 7,342 black students are attending schools having no desegregation of student bodies and 6,605 whites attend schools in which the student bodies are not desegregated.

The remaining information of Exhibit "D" is a school by school break-down of pupils and faculty for the years noted.

5. Attached marked Exhibit "E" is a report on children being provided bus transportation, school by school. It is noted that 599 pre-schoolers, 10,441 elementary, 8,989 junior high and 4,708 senior high students are being provided transportation. This represents total daily transportation for 24,737 students.

6. Attached marked Exhibit "F" is a description of what has been done to provide the compensatory education programs proposed in the July 29, 1969 plan and policy statement.

7. The defendants are unable to furnish a copy of all September and October, 1969, reports of the Board to the Department of Health, Education and Welfare. Ordinarily, the forms for reporting are made available to the school system for a report as of October 1 of each year. The forms for reporting for the 1969-1970 school year have not been printed and furnished to the school system. It is submitted that substantially all of the information that

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

would be contained in the report to the Department of Health, Education and Welfare is disclosed in the information submitted in connection with Items 1, 2, 3, 4 and 5 above.

In its order of October 10, 1969, the Court posed nine additional questions which the Board was directed to answer. It is noted that the following responses were approved by unanimous resolution of the full Board of Education, such responses being as follows:

1. What, in verbatim detail, are the instructions that have been given to Mr. Weil?

ANSWER: Mr. Weil, on behalf of Systems Associates, Inc. has been instructed to devise a computer assisted systems analysis approach to restructuring each of the attendance lines for all schools served by the system. In this connection, it is understood that the product of such an approach would involve a computer print-out of all the possible configurations or combinations of grids within the following limitations:

1. All grids must be contiguous to the home grid or to grids which are contiguous to the home grid. (A grid is a 2500 ft. square as shown on the school attendance maps filed as exhibits in this matter.)
2. No combination of grids can be considered if they exceed the rated capacity of the school by 20%. Further, such combinations cannot under-populate the school by less than 20%.
3. A school district cannot contain the home grid of another school.

621a

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

4. A school district must contain the home grid in which the school is located.
5. No school district attended by whites should have less than 60% white student population to avoid "tipping."

After meeting these five tests, all possible combinations for each school will be separately printed in their order of desirability. Desirability will be determined first by the closeness of the integration ratio to 70% white/30% black. Second, desirability is reflected by the compactness of the school district; and third, the combination of grids which yields a student population closest to 100% of the school's rated capacity is considered most desirable. It is observed that the first five rules serve to identify the various combinations of grids which are possible, and the latter three rules judge the desirability of the various combinations.

2. What is Mr. Weil's assigned mission or goal?

ANSWER: Mr. Weil's mission or goal is to produce for each school, independent of all other schools, all feasible combinations of grids which may comprise a school district within the limitations set forth in the answer to question 1.

3. What areas of the district is he directed to include in his program of redrawing attendance lines?

ANSWER: Mr. Weil has been directed to include all areas of the County in developing combinations of grids which may comprise a school district.

622a

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

4. What areas, if any, is he directed to exclude?

ANSWERS He has not been directed to exclude any geographical areas. However, certain special education programs, such as the learning academy and child development centers, have been excluded from his consideration. These programs enroll students from large geographic areas and in some cases, students from the entire county.

5. What schools will his program affect?

ANSWER: In making the systems analysis, the attendance lines of all schools served by the system will be considered and there is substantial probability that all attendance lines will be affected in varying degrees.

6. Will pairing, grouping or clustering of schools be used by the Board as needed to supplement the computer plan?

ANSWER: It is not suggested by the Board of Education that there is a "computer plan." The information supplied by the systems analysis approach will be utilized by the staff and the Board of Education along with other information in restructuring attendance lines. The Board of Education will consider pairing, grouping or clustering of schools where practical, educationally feasible and where such techniques offer reasonable prospects of producing stable desegregation in such affected schools.

7. Will the Weil program of redrawing attendance lines produce desegregation of all the schools by September, 1970?

623a

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

ANSWER: The information supplied by the systems analysis approach will not produce desegregation of all schools by September, 1970. Dramatic results are expected. It is hoped that the number of all white and all black schools will be substantially reduced. The number of such schools cannot be determined at this time.

8. If the Weil program does not produce desegregation of all the schools by September, 1970, what does the Board plan to do to produce that result?

ANSWER: As pointed out above, the Weil program does not purport to be a single print-out of the best possible school district. Instead, it consists of a print-out of the best alternative grids for each school which for the purpose of such print-out is considered independently of all other school districts. This computer information will then be considered by persons familiar with neighborhoods, traffic patterns, natural hazards and other factors which to a limited degree may affect desegregation favorably or unfavorably in restructuring attendance lines. The Board of Education does not feel that it will be possible to produce pupil desegregation in each school by September, 1970. It is expected that faculties will fairly represent a cross section of the total faculty so that most and possibly all schools will not have a racially identifiable faculty. Furthermore, the restructuring of attendance lines coupled with faculty desegregation may satisfy constitutional requirements.

9. Will any plan produced by the Weil method or any other redrawing of attendance lines desegregate the schools

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

if unrestricted freedom of transfer or freedom of choice is retained?

ANSWER: The Board does not know precisely what effect free choice of transfer will have on desegregation through the utilization of the Weil approach. However, the Board does contemplate that additional restrictions on free choice of transfer will be required. The experience of this system indicates that retention of free choice of transfer would have little adverse effect on desegregation. During the 1968-69 school years, approximately 5 per cent of the students served by the system elected free choice of transfer, many of which transfers had no adverse effect on desegregation. In view of the limitation of the school population to not less than 60 per cent white, which will tend to stabilize racial ratios within the schools, it is believed that retention of a more restricted free choice of transfer will not have any appreciable effect on desegregation and will enable students in case of practical hardship or educational desire to attend the school of his or her choice.

The Board has acknowledged its duty to desegregate the schools served by the Charlotte-Mecklenburg Public School System and is earnestly striving to fulfill this responsibility. Moreover, the Board realizes that to be workable, any plan for further desegregation must not only be approved by the Court, but must also be accepted by the community. In order to enhance the chances of success, the Board feels that it is imperative that its planning be thoroughly done, carefully reviewed, meaningfully interpreted to the community and realistically administered.

625a

*Defendants' Report to the Court Pursuant to Order
of October 10, 1969*

In considering the defendants' motion for an extension of time, it is respectfully requested that the Court carefully consider the foregoing duties of the Board.

Respectfully submitted this 29th day of October, 1969.

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

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 in this report are true according to his best knowledge and belief.

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

Sworn and subscribed to before me
this 29th day of October, 1969.

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

626a

ANSWERS TO STATISTICAL QUESTIONS
Civil Action No. 1974
Judge James B. McMillan
Re: 10-10-69

1. Pupil Distribution for Closed and Overcrowded Schools
 2. Accounting of These Schools in Total Relating Effect
of Freedom of Choice
 3. Report on Freedom of Choice Transfers: Section I, II
 4. Degree of Integration: Pupils and Professional Staff
in Each School
 5. Pupils Transported Daily 1969-70 -- First Month Average
 6. Compensatory Education
 7. HEW Reports (Not included, pending official printing.
Expected Report Date is December 15, 1969. Questions
2 and 4, above are basic for the HEW Report).
-

10-28-69

The Charlotte-Mecklenburg Schools

Pupils from closed schools* 627a
or
Pupils from overcrowded schools

From:

Five Elementary Closed Schools

PUPIL DISTRIBUTION REPORT

(1) Reassigned School (Enrolled Oct. 10, 1969)

Schools	# Pupils	Schools	# Pupils	Total # Pupils
Beverly Woods	46	Park Road	44	
Idlewild	55	Selwyn	25	
Lansdowne	75	Sharon	89	
Olde Providence	71	Winterfield	48	453

(2) Freedom of Choice School (After Reassignment)

Bilworth	3	First Ward	14	
Double Oaks	107	Oaklawn	22	
Elizabeth	2	Wilmore	7	
		Irwin Elem.	301	456

(3) Moved Residence: Present School

Double Oaks	7	Oaklawn	17	
Druid Hills	3	Tryon Hills	23	
Elizabeth	18	Villa Heights	29	
First Ward	35	Wilmore	4	
Lincoln Heights	7			143

(4) Left County

(5) Pupils not reporting to school (Still live in Area): Dropouts

Grand Total 1052

Five Elementary Closed Schools

Number of pupils originally assigned to these schools* at end of school year 1968-69 for 1969-70 year. 1052

* Alexander St. (141), Bethune (166), Fairview (321), Zeb Vance (127),abella Wyche (197), Irvin Ave. Junior High, Second Ward Senior High

A

Public Schools Office from which report made
or
Public Schools overruled 628a
complaints

PUPIL DISTRIBUTION REPORT

(1) Reassigned School (Enrolled Oct. 10, 1969)

SCHOOL	NUMBER PUPILS	TOTAL PUPILS
Lastway	47	
Alexander Graham	87	
Williams	57 **	
McClintock	51	
Smith	46	
Wilson	7	
	TOTAL	295

(2) Freedom of Choice School (After Reassignment)

Lastway	2	
Alexander Graham	5	
Hawthorne	7	
Kennedy	15	
McClintock	3	
Northwest	78	
Piedmont	5	
Ranson	1	
Sedgefield	1	
Smith	5	
Spaugh	16	
Williams	124	
Wilson	4	
	TOTAL	264

(3) Moved Residence: Present School

Cochrane	1	
Alexander Graham	1	
Hawthorne	11	
Spaugh	1	
Kennedy	5	
Northwest	1	
Piedmont	2	
Randolph	3	
Williams	7	
	TOTAL	32

(4) Left County
(5) Pupils not reporting to school (Still live in area)

Dropouts	23
GRAND TOTAL	619

Number of pupils originally assigned to this school
at end of school year 1968-69 for 1969-70 -- 619

* Alexander St., Bethune, Fairview, Zeb Vance, Isabella Kyche,
Irwin Avenue Jr., Second Ward Senior

** The 57 to Williams were Project Opportunity students. This is
a Ford Foundation project which was transferred from Irwin to
Williams.

629a

Pupils from closed schools *

or

Pupils from overcrowded schoolsFrom: Second Ward Senior High School

PUPIL DISTRIBUTION REPORT

(1) Reassigned School (Enrolled October 10, 1969)

<u>School</u>	<u># Pupils</u>	<u>School</u>	<u># Pupils</u>	<u>Total # Pupils</u>
East Mecklenburg	15	Independence	2	
Garinger	77	Myers Park	81	
Harding	117	Olympic	55	
		West Charlotte	119	
				<u>466</u>

(2) Freedom of Choice School (After Reassignment)

East Mecklenburg	1	North Mecklenburg	5
Garinger	30	Olympic	4
Harding.	111	West Charlotte	50
Independence	4	West Mecklenburg	2
Myers Park	2		
			<u>209</u>

(3) Moved Residence: Present School

East Mecklenburg	2	Myers Park	12
Harding.	5	Olympic.	1
Garinger	1	West Charlotte	7
			<u>28</u>

(4) Left County

9

(5) Pupils not reporting to school (Still live in Area):

Dropouts	<u>254</u>
GRAND TOTAL	<u>946 **</u>

<u>METROPOLITAN HIGH SCHOOL</u>	<u>Plus</u>	<u>10</u>
---------------------------------	-------------	-----------

Number of pupils originally assigned to this school
at end of school year 1968-69 for 1969-70 year.

956

630a

2

* Alexander Street, Bethune, Fairview, Zeb Vance, Isabella Wyche, Irwin Avenue Jil,
Second Ward Sh.

** Distribution lacks 10 pupils' forms which were retained in the following schools:
Irwin 7, Northwest 1, Sedgefield 2.

631a

Statistical Report, #1 (Cont'd)

Accepted Reassignments From Overcrowded Schools

From:

Amay James	73	Ashley Park	27
		Westerly Hills	46

2. Total Accounting of Pupils and Pupil Distribution
(Including Effect of Freedom of Transfer)

	<u>Closed Schools:</u>			<u>Overcrowded School:</u>			<u>Total</u>
	Five Elementary	one Junior High	one Senior High	one Elementary	EL.	JH	SH
A. Enrolled at							
(1) Reassigned school	453	295	466	73	526	295	466
						1,287	(48%)
(2) Freedom of Choice School	456	264	209		456	264	209
						929	(34%)
(3) Non-residence Local School	143	32	28		143	32	28
						203	(7½%)
B. Left School							
(4) Left County		5	9		0	5	9
						14	(½%)
(5) Still live in Area -- Dropouts		23	234		0	23	234
	1052	619	946			257	(9½%)
Report forms error noted - - - - -			+10		10		10
					1125	619	955
						2700	

2627 * Total of Principals' end of
year assignments to closed schools
for 1969-70

*Projected enrollment for closed schools was 3000 based on history-trend of these schools.

B

633a

ELEMENTARY SCHOOLS 1969 - 1970	Freedom of Choice Requests to Inter. Granted		(a) Freedom of Choice Requests to Leave		(b) Granted	
	N	W	N	V	N	W
<u>Albemarle Road</u>	0	13	0	14	0	14
<u>Allenbrook</u>	0	12	0	3	0	3
<u>Ashley Park</u>	0	38	0	4	0	2
<u>**Bain</u>	0	0	0	6	0	6
<u>Barringer</u>	0	0	22	12	13	10
<u>Berryhill</u>	0	15	0	4	0	3
<u>Beverly Woods</u>	0	15	0	10	0	10
<u>Billingsville</u>	0	0	14	2	14	2
<u>**Briarwood</u>	0	0	0	7	0	6
<u>Bruns Avenue</u>	2	0	1	2	1	2
<u>Chantilly</u>	0	11	0	4	0	4
<u>*Clear Creek</u>	0	0	1	2	1	0
<u>Collinswood</u>	0	7	3	4	3	4
<u>Cornelius</u>	1	2	0	7	0	6
<u>Cotswold</u>	11	18	0	4	0	4
<u>Davidson</u>	0	2	0	0	0	0
<u>Derita</u>	0	14	7	1	0	1
<u>*Devonshire</u>	0	0	0	7	0	6
<u>Dilworth</u>	1	1	0	22	0	21
<u>Double Oaks</u>	5	0	6	0	6	0
<u>Druid Hills</u>	5	0	8	0	6	0
<u>Eastover</u>	1	10	1	12	1	12
<u>Elizabeth</u>	13	0	22	18	20	17
<u>*Enderly Park</u>	0	22	0	9	0	9

634a

Answer to Statistical Question No. 3

Report on freedom of choice transfers showing the number of children by school and race, who chose to transfer out of and into various schools for the 1969-70 school year.

Section I

Report On All Schools Except the Seven Closed Down Schools

C

635a

Elementary Schools 1969-1970	Freedom of Choice Requests to Inter Grants		(a) Freedom of Choice Requests to Leave		(b) Charter Requests to Leave	
	M	F	N	F	N	F
<u>First Ward</u>	2	0	0	0	0	0
<u>**Hickory Grove</u>	0	0	1	3	1	2
<u>*Hidden Valley</u>	0	0	0	1	0	1
<u>Highland</u>	0	4	0	4	0	4
<u>Hoskins</u>	0	2	0	20	0	19
<u>Huntersville</u>	0	11	1	1	1	1
<u>Huntingtowne Farms</u>	0	5	0	4	0	4
<u>Idlewild</u>	0	9	0	12	0	12
<u>*Amy James</u>	0	0	5	19	3	19
<u>Lakeview</u>	1	0	2	19	2	18
<u>Lansdowne</u>	0	12	0	3	0	3
<u>Lincoln Heights</u>	5	0	12	0	4	0
<u>*Long Creek</u>	0	0	4	27	2	25
<u>Marie Davis</u>	17	0	2	0	0	0
<u>Matthews</u>	7	0	2	4	2	3
<u>Merry Oaks</u>	0	2	0	10	0	10
<u>Midwood</u>	0	14	3	10	0	8
<u>Montclaire</u>	0	18	0	4	0	0
<u>Myers Park</u>	2	12	4	5	4	5
<u>Nations Ford</u>	0	14	0	10	0	9
<u>Newell</u>	0	6	0	16	0	0
<u>Oakdale</u>	1	28	1	1	0	0
<u>Oakhurst</u>	1	11	0	7	0	6
<u>Oaklawn</u>	2	0	10	0	4	0
<u>Olde Providence</u>	0	5	0	2	0	2

636a

Elementary School 1961-1962	Number of Class Requests to other schools		Number of Requests for Placement		Percentage of Requests Accepted	
	No.	%	No.	%	No.	%
Parkwood	0	17	0	0	0	8
*Fay Creek	0	0	1	3	1	2
Pineville	1	0	1	7	1	7
Pinewood	0	4	0	11	0	9
Plaza Road	1	0	1	19	0	17
*Pana Road	0	0	0	2	0	2
Sedgefield	0	3	0	7	0	2
Selwyn	2	17	6	2	6	2
Shamrock Gardens	0	27	0	7	0	6
Sharon	0	8	6	33	0	33
*Starmount	1	1	0	3	0	3
*Statesville Road	7	0	5	9	2	8
*Steel Creek	0	0	0	10	0	10
Thomasboro	0	18	0	21	0	20
Tryon Hills	5	0	5	16	5	15
Tuckaseegee	0	9	0	2	0	0
University Park	10	0	4	0	3	0
*Villa Heights	0	0	7	9	3	2
*Westerly Hills	0	0	0	0	0	0
Wilmore	1	2	2	14	2	14
Winsor Park	0	13	0	8	6	7
Winterfield	0	25	6	5	9	5
TOTAL	105	486	156	542	165	186
Combined Total:		591			698	Combined Total

Notes: 1

Note 1: An additional 107 students were returned to school of original assignment since schools requested were closed for transfers.

* School closed out to all transfer requests.

** School closed out to regular transfer request only - (not majority to minority requests.)

637a

(a)

(b)

HIGH SCHOOLS	Freedom of Choice Requests to Enter - Granted		Freedom of Choice Requests to Leave		Granted	
	N	V	X	V	X	V
*Albemarle Road	0	0	1	9	0	0
*Alexander	0	0	7	13	4	12
*Cochrane	0	0	0	2	0	0
Coulwood	1	33	0	10	0	1
*Eastway	0	0	0	4	0	0
Alexander Graham	5	58	0	2	0	2
Hawthorne	5	13	23	98	19	25
J. F. Kennedy	21	0	46	63	40	26
*McClintock	0	0	2	7	2	2
Northwest	26	0	46	4	41	4
Piedmont	11	1	8	51	8	27
Quail Hollow	0	9	0	9	0	4
Randolph	4	22	0	58	0	23
*Ranson	0	0	2	1	2	0
Sedgefield	27	0	8	35	18	34
Smith	2	19	0	7	0	4
Spaugh	48	16	13	14	13	2
Williams	14	0	28	2	21	0
*Wilson	0	0	0	5	0	5
Total	164	171	184	394	164	171
Note: Combined Total	335		578		Combined Total	

Note: An Additional 243 Students were returned to original Assignment since schools requested were closed out for transfers.

* School closed out to all transfer requests.

** School closed out to regular transfer request only - (not majority to minority requests.)

638a

SENIOR HIGH SCHOOLS 1969 - 1970	Freedom of Choice Requests to Enter Granted		Freedom of Choice Requests to Leave Approved		%
	N	%	N	%	
Last Mecklenburg	0	43	3	27	5.16
**Garinger	13	0	17	37	13.20
Harding	46	32	12	10	12.7
Independence	1	24	0	5	0.4
**Myers Park	9	0	5	26	5.21
**North Mecklenburg	20	0	10	16	10.14
Olympic	14	14	17	11	15.18
*South Mecklenburg	0	2	0	24	0.23
West Charlotte	29	5	92	3	67.3
West Mecklenburg	1	21	8	11	8.11
Total:	133	141	164	170	133.143
Note: - Combined Total:	274		334	- Combined Total	
1					

Note: An Additional 60 Students were returned to School of Original Assignment since schools requested were closed for transfers.

Note: - SAT Students

2 * School closed out to all transfer requests.

** School closed out to Regular transfer request only - (not majority to minority requests.)

639a

3. Section II

**Freedom of Choice Transfers From Closed Schools
To Schools in which Assigned for the
1969-70 School Year**

From Closed Elementary Schools

<u>To:</u>	Alexander St.	Bethune	Fairview	Zeb Vance	Isabella Wyche	Total <u>To</u>
Dilworth					3	3
Double Oaks		2	105			107
Elizabeth		2				2
First Ward	7	7				14
Oaklawn		1	21			22
Wilmore				1	6	7
Irwin (Elem.)	1	43	121	90	46	301
Total From	8	55	247	91	55	456

640a

Section II (Cont'd): Freedom of Choice Transfers

From: Irwin Avenue Junior High - - - 264 Pupils

To: Freedom of Choice School

Eastway	2
Alexander Graham	5
Hawthorne	7
Kennedy	15
McClintock	3
Northwest	78
Piedmont	5
Ranson	1
Sedgefield	1
Smith	3
Spaugh	16
Williams	124
Wilson	4
Total From ---	264

641a

Section II (Cont'd): Freedom of Choice Transfers

From: Second Ward Senior High - - - - 209 Pupils

To: Freedom of Choice School

East Mecklenburg	1
Garinger	30
Harding	111
Independence	4
Myers Park	2
North Mecklenburg	5
Olympic	4
West Charlotte	50
West Mecklenburg	2
 Total From	209

The Charlotte-Mecklenburg Schools

642a

Research Report 2-169
and 10-169SUMMATION OF INTEGRATION 1965 (MARCH) AND 1968-69 (OCT. 1, '68)
AND 1969-70 (Oct 2, '69)

	For Pupils			Professional Staff		
<u>Schools Having Integration</u>						
• For Pupils	1965 1 N + 22 W = 23 of 109 or 21%	1968 16 N + 68 W = 84 of 112/1969 or 75% 16N + 73W or 89 of 107 (83%)	• For Staff	1965 3 N + 0 W = 3 of 109 or 3%	1968 16 N + 82 W = 98 of 112 or 87½% + 11W + 89W = 107 (or 10%)	1969
II						
A.	N 1965 W Pupils 9W 476N 1192W	N 1968 W Number in Minority Race (integrated) 113W 842N 6704N	N 1965 W 5.7W ON	N 1968 W 131W 208N	N 1969 W 217W 604 2575W	1969
B.		Number in Majority Race (integrated)				
• Pupils	343N 16,446W 8697N	47,356W 885W 52,020W	143.3N + 0W	374N	343N 2517W 2575W	
Total Involved by Integration						
• Predominantly Negro Schools	9889	10,011 Staff	149	505	560	
• Predominantly White Schools	16,922	54,060 Staff 60,560	0	2783	3121	
.. Total	17,274 or 24% of 72,336 Enrolled	63,949 or 77% of 83,111 of 83.1% of 84,518 70,571	149 or 5% of 3140 incl. part assignments in schools	3288 or 91% of 3613 assigned at one definite school	3681 or 100%	

D

The Charlotte-Mecklenburg Schools

RACIAL DISTRIBUTION OF PUPILS AND PROFESSIONAL STAFF
1965 (March), 1968-69 (Oct. 1, '68), and 1968-69

Grade	No. School	1965 Pupils		1968 Pupils		1969 Pupils		Professional Staff							
		N	W	N	W	N	W	1965 N	1965 W	1968 N	1968 W	1969 N	1969 W		
1-6	72	9,364	27,696	76-	13,290	31,545	73-	13,374	31,522	377+	1171½	478	1329	499	13
7-9	17	2,475	11,804	21	5,934	14,741	20-	6,188	15,191	111-	533	228	706	232	6
10-12	8	1,625	10,677	11	4,377	12,313	10-	4,472	12,808	65	479½	178	644	194	6
	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	97	13,464	50,177	108-	23,601	58,599	103-	24,034	59,521	553½	2184	884	2679	925	27
Other	12	6,877	1,818	4+	640	271	4+	656	307	323½	79	23	27	22	
: Known + Trainable															
1-4	1	360								15½					
1-7	2	431	207							17	9½				
1-9	3	729	1611							32	68				
5-9	1	505								25½					
1-12	3	2400								113½					
7-12	2	2452								120	1½				
Total	109	20,341	51,995	112	24,241	58,870	107	24,690	59,828	877	2253	907	2705	947	27
										Include Part-time	Not Include Part-time				

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff							
	Elementary			N	%	W	N	%	W	(other)	N	%	W	(other)	N	%	W	N	%	W	(other)	N	%	W	(other)	
				N	%	W	N	%	W	(other)	N	%	W	(other)	N	%	W	N	%	W	(other)	N	%	W	(other)	
1965	Albemarle Rd.			4	1%	499	4	1%	510						6	32%	13	6	1%	11						
	Alexander Street	342	100%	257	100%		50	10%	452	61	12%	452			14.1	100%	11	100%	18	5	7%	11				
	Allenbrook															2	10%	18								
	Ashley Park			694	0%		553	27	7%	574						22.9	2	9%	20	4	7%	1				
	Bain	674	0%	25	3%	699	33	4%	735						28.2	1	3%	28	5	17%	2					
	Barringer	604	0%	668	94%	131	859	12%	16						24.8	13	42%	18	16	11	13					
	Berryhill	1026	0%	119	13%	685	114	14%	675						39.6	2	6%	32	6	11	3					
	Bethune	343	97%	9	223	3	0%	286	68	9%	684				17.6	100%	11	100%		1	3%	12	5	18%	2	
	Beverly Woods														17.2	100%										
1968-69	Biddleville	434	100%																							
	Billingsville	729	100%	619	100%	2	610	100%	0						32.1	100%	25	100%	16	0%	1					
	Briarwood	2	0%	582	8	1%	640	6	1%	680						23.9	3	12%	22	6	11%	21				
	Bruns						740	97%	4	774	95%	10				26	13%	2	21	16%	1					
	Chantilly			445	0%	2	491	5	1%	487						18.8	1	5%	21	4	17%	1				
	Clear Creek	207	0%	58	20%	225	51	17%	244						9.6	1	3%	12	3	11%	1					
	Collinswood	375	0%	72	13%	490	111	26%	443						16.1	1	5%	21	3	14%	1					
	Cornelius	241	0%	239	49%	252	195	25%	237						11.3	7	33%	14	5	15%	1					
	Cotswold	631	0%	11	2%	567	23	4%	537						25.0	1	5%	21	4	11%	1					
1969-70	Crestdale	97	100%												5.0	100%										
	Davidson	178	0%	101	35%	186	104	34%	186						7.8	1	8%	11	2	17%	1					
	Marie Davis	808	100%	705	100%		691	100%	0						34.3	100%	29	100%	14	4%	1					
	Derita	6	1%	892	165	19%	728	163	19%	688						35.4	3	9%	32	5	14%	7				
	Devonshire	2	0%	474	0%	889	0	0%	903						19.5	4	10%	37	7	13%	2					
1969-70*	Dilworth	100	20%	401	223	39%	355	113	23%	336						23.8	4	15%	22	3	14%	1				
	Double Oaks	703	100%	300	100%		836	100%	0						28.2	100%	32	100%	12	11%	1					

* Does not include staff assigned to more than one school per HEW request.

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			N	%	W	N	%	W	(other)	N	%	W	(other)	N	%	W	N	%	W	N	%	W	(other)
		N	%	N	%	N	N	%	N	%	N	%	N	N	%	N	N	%	N	N	%	N	%	
Druid Hills	520	100%		504	97%	3	472	77%	3		20.7	100%		20	100%	13	100%	8						
Eastover		6%	704	49	9%	580	42	1%	559		2.2	27.1	1	4%	24	4	19%	20						
Elizabeth	5	1%	448	270	59%	194	366	11%	151		0%	22.9	2	9%	21	6	1%	20						
Uptown Park		6%	368	2	1%	374	3	1%	371		0%	14.9	1	6%	15	3	1%	13						
Fairview	702	100%		363	100%						28.0	100%		19	100%									
First Ward	473	100%		749	100%		820		0		22.8	100%		30	100%	17	100%	17						
1-12 J. H. Gunn	696	100%									33.6	100%												
Hickory Grove		6%	530	80	13%	531	70	1%	533		6%	21.7	1	4%	23	3	1%	20						
Hidden Valley		6%					977	0	0	1100		2	5%	35	7	1%	35							
Highland	2	1%	273	47	13%	324	69	1%	305		0%	14.0	1	7%	14	3	1%	13						
Hoskins		6%	342	18	5%	261	13	1%	228		6%	14.7	2	15%	11	3	2%	9						
Huntersville		6%	553	162	29%	560	154	1%	535		6%	22.9	2	7%	25	5	1%	22						
Huntingtowne Farms		6%	358	7	1%	695	7	1%	603		0%	15.1	1	4%	26	4	1%	21						
Id'ewild		6%	532	2	0%	521	56	1%	597		0%	23.9	1	4%	22	6	1%	23						
164 Amay James	360	100%		477	100%	1	473	79%	3		15.5	100%		19	100%	13	100%	9						
165 Ada Jenkins	431	100%									17.0	100%												
Lakeview		6%	400	269	45%	147	362	75%	102		6%	18.5	14	7%	5	13	6%	8						
Lansdowne		6%	633				758	75	1%	802		6%	23.9	1	3%	30	6	17%	30					
Lincoln Heights	783	100%		817	100%	2	711	100%	0		29.1	100%		30	100%	16	100%	12						
Long Creek		6%	423	250	35%	466	267	36%	468		6%	17.6	2	7%	26	6	21%	23						
166 Matthews		6%	937	(1-6) 93	11%	742	86	10%	802		6%	39.7	1	3%	32	6	14%	31						
Merry Oaks		6%	538		6%	469	0	0%	442		6%	21.9	1	5%	19	3	16%	16						
Midwood		6%	560	1	6%	522	11	~	477		6%	24.9	2	7%	21	4	17%	19						
Montclaire		6%	720		6%	722	0	6%	718		6%	29.1	1	4%	27	5	17%	23						
Morgan	305	100%					315	100%	6		14.9	100%								10	47%	5		
Irwin Ave. (Elem)																								

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff					
	Elementary			N	S.	W	N	S.	W	(other)	N	S.	W	(other)	N	S.	W	N	S.	W	(other)			
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
Myers Park	820	0%	575	23	4%	543	22	5%	456		0%	24.9	1	4%	23	3	1%	24						
Myers Street		100%					32.2	100%			0%	21.6	1	4%	25	6	1%	22						
Nations Ford		0%	513	63	10%	585	47	6%	681		0%	18.3	1	5%	18	3	1%	17						
Newell		0%	463	73	15%	423	74	14%	438		0%	17.2	1	5%	21	6	1%	18						
Oakdale		0%	402	72	17%	480	69	16%	517															
Oakhurst		0%	548	2	4%	615	5	1%	616		0%	22.8	1	4%	23	4	1%	20						
Oaklawn	666	100%	650	100%		613	100%	0			26.0	100%	25	7%	2	11	4%	15						
Olde Providence		0%		10	2%	434	80	14%	512		0%	22.7	1	5%	21	7	3%	10						
Park Road		0%	583		0%	551	44	7%	548		0%	30.3	1	3%	31	5	2%	11						
Paw Creek		0%	793	63	7%	861	27	4%	609															
Pineville		0%	364	168	32%	363	146	28%	375		0%	16.2	1	5%	21	4	17%	11						
Pinewood		0%	719		0%	707	0	0%	674		0%	28.1	1	4%	26	4	1%	2						
Plaza Road		0%	400	99	17%	409	88	15%	362		0%	17.7	1	5%	21	4	1%	17						
Rama Road		0%	442	2	0%	777	1	0%	815		0%	18.7	2	7%	27	5	1%	21						
Sedgefield	3	100%	526	7	13%	545	3	1%	548		0%	21.3	2	7%	20	4	17%	11						
5-9	Plato Price	505	100%								25.4	100%												
Selwyn		0%	531		5	1%	598	31	5%	617	0%	21.9	1	4%	22	5	1%	21						
Seversville	96	100%	229								0%	14.8												
Shamrock Gardens		0%	536		0%	539	0	0%	515		0%	21.9	1	5%	20	4	17%	11						
Sharon		0%	591		0%	519	89	20%	364		0%	22.9	1	5%	20	4	20%	11						
Starmount		0%	481	25	3%	713	25	3%	712		0%	20.9	1	3%	23	5	17%	21						
Statenville Road		0%	650	295	36%	534	333	39%	522		0%	25.9	3	9%	29	8	4%	21						
Steale Creek		0%	222	12	5%	531	5	1%	509		0%	10.7	1	5%	20	4	1%	11						
1-12	Sterling	699	100%								33.9	100%												
Thomasboro		0%	885		0%	705	0	0%	690		0%	34.3	2	7%	25	5	17%	2						
Paw Creek Annex							30	1%	271		1	4%	1											

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils			1968-69 Pupils			1969-70 Pupils			Professional Staff						
	Elementary			N	W	N	W	(other)	N	W	(other)	N	W	N	W	(other)
	N	%	N	%	N	%	(other)	N	N	%	N	%	N	%	(other)	
Torrence-Lytle	1005	100%							46.1	100%						
John Hill			324	24%	241	..	245	322	44%	166	c. 15.0	1	5	20	4	15% 18
Tuckaseegee			631	61	61	..	553	58	7%	578	c. 23.9	1	4	23	4	17% 20
University Park	700	100%			777	100%		825	100%	1	25.8	30	97%	1	23	10% 10
Feb Vance	465	100%			257	100%					19.5	100%	11	100%		
Villa Heights	23	2%	594	796	46%	126	929	71%	88	c. 28.3	23	..	14	23	55% 17	
Wesley Heights	214	100%							8.3	100% 2.2						
Westerly Hills											1	4%	22	4	17% 20	
Wilmore	6	1%	323	145	33%	293	228	49%	235	c. 15.4	8	46%	12	9	44% 13	
Windsor Park	1	0%	679	2	0%	737	1	0%	748	c. 25.8	1	4%	27	6	.. 24	
Winterfield			455								0%	18.7	1	4%	26	
Woodland	360	100%							14.8	100%						
Woodlawn			283								c. 14.0					
Isabella Wyche	383	100%			222	100%					18.6	100%	12	100%		
 Child Development (Rgn. Centers)																
Davidson, #1			83	41%	117	80	46%	121			3	36%	7	3	36% 7	
Pineville, #2			166	58%	37	163	77%	43			2	26%	8	2	26% 8	
Seversville, #3			174	57%	26	181	76%	21			8	50%	2	7	50% 3	
Morgan, #4			188	97%	6	187	97%	12			8	80%	2	7	80% 2	

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70 *

School	1965 Pupils			1968-69 Pupils			1969-70 Pupils			Professional Staff							
	Junior High		N IV	N IV	% IV	W (other)	N	W (other)	N IV	% IV	W (other)	N IV	% IV	W (other)	N IV	% IV	W (other)
Albemarle Road			66	7%	881		63	6%	995			4	1%	43	6	13%	40
Alexander	6%	577	347	31%	755		369	35%	771			6	12%	44	8	16%	41
Cochrane	5%	872	76	5%	1444		79	5%	1552			6	12%	56	12	13%	54
Soulwood	3	17	574	119	14%	727	106	7%	770			4	11%	34	6	12%	32
Eastway			61				1364		1356			3	3%	55	11	12%	51
Alex. Graham	6%	1048	8	1%	1084		113	10%	1028			4	1%	43	9	11%	40
Hawthorne	25	4%	570	492	52%	447	536	56%	472			12	12%	33	15	14%	34
Irwin Ave.	785	10%		666	100%					42.7	100%	32	47%	1			
McClintock		6%	1273	46	7%	1228	93	7%	1288			2	4%	49	10	11%	48
Northwest	777	10%		932	100%		1052	100%	1			39	100%		22	52%	20
Friedmont	121	1%	291	423	11%	53	443	11%	55			13	11%	12	17	13%	13
Quail Hollow		9%	766	171	11%	1261	155	12%	1421			3	11%	61	3	11%	55
Randolph				272	11%	711	289	11%	710			2	11%	38	2	11%	35
Ranson	2	17	658	250	15%	586	260	12%	548			6	10%	31	11	11%	25
Cedgfield	6	1%	920	189	17%	802	.67	17%	809			5	11%	39	2	11%	34
Smith		6%	1115			1329	55	4%	1436			3	11%	57	3	11%	52
Spaugh	1	2%	930	186	1%	871	287	11%	839			6	11%	43	10	21%	37
Williams	752	10%		893	100%		1081	100%	0			37	100%		27	11%	16
Wilson		6%	1064	50	7%	1132	71	6%	1145			4	11%	45	2	11%	42
York Rd. (7-12)	1041	100%		727	11%	6	354	11%	9			32	7%	1	21	11%	15
(Kennedy)																	
Learning Academy - 7th & 8th grades counted in JH, above,												5	"	21	4	"	11

COMPARISON OF PUPILS AND PROFESSIONAL STAFFING BY RACE
March 6, 1965, 1968-69*, and 1969-70*

School	1965 Pupils						1968-69 Pupils						1969-70 Pupils						Professional Staff						
	Senior High			N W % (other)			N W % (other)			N W % (other)			1965			1968-69*			1969-70*						
	N	W	%	N	W	%	N	W	%	N	W	%	N	W	%	N	W	%	N	W	%				
East Mecklenburg	1782	155	8%	1739	227	12%	1925	6	3%	85	16	9%	91	79.2	6	3%	85	16	9%	91	79.2	6	3%	91	
Garinger	2266	202	9%	2157	492	17%	2148	5	2%	102	22	11%	22	100.0	5	2%	102	22	11%	22	100.0	5	2%	22	
Harding	1002	169	17%	814	636	77%	720	4	5%	49	16	21%	16	48.0	4	5%	49	16	21%	16	48.0	4	5%	16	
Independence		92	9%	962	135	11%	1111	6	5%	59	12	10%	12	62	6	5%	59	12	10%	12	62	6	5%	12	
Myers Park	1772	158	9%	1855	233	12%	1767	7	4%	87	17	9%	17	76.7	6	4%	87	17	9%	17	76.7	6	4%	17	
North Mecklenburg	1155	410	35%	1109	462	45%	1185	6	5%	63	13	11%	13	51.8	6	5%	63	13	11%	13	51.8	5	5%	13	
Olympic		259	2%	522	376	45%	512	5	11%	39	10	21%	10	70.0	5	11%	39	10	21%	10	70.0	5	11%	10	
7z12-Second Ward	1411	1139	80%	3	106	9%	1812	109	6%	2024	57	95%	3	72.0	4	5%	78	17	13%	17	72.0	4	5%	17	
South Mecklenburg	1430	106	9%	1812	109	6%	2024	74	23%	6	52	67%	52	65.0	74	23%	6	52	67%	52	65.0	74	23%	52	
West Charlotte	1560	1569	100%	1658	1658	100%	0	0	0%	1444	4	5%	73	13	15.4	4	5%	73	13	15%	13	15.4	4	5%	13
West Mecklenburg	1270	118	9%	1340	148	9%	1444																		

5. APPROXIMATE NUMBER OF VOTES RECEIVED IN EACH STATE - FEBRUARY 19

650a

STATE	POPULATION	VOTES RECEIVED	PERCENTAGE
JERSEY CITY	282		
ALBANY, N.Y.	712		
ALEXANDRIA	1064		
ALLENSTOWN	94		
ASBURY PARK	26		
BATON	640		
PURRINGER			
FERRYHILL	540		
NEWBURGH, N.Y.	374		
NEWARK, N.J.	145		
NEWCASTLE	217		
NEWARK, JUNIOR	890		
NEWTON, N.J.	81		
NEWTON, N.J.	189		
NEWTON, N.J.	43		
NEWTON	500		
NEWTON	46		
NEWTON	385		
NEWTON, N.J.	116		
EAST NEW YORK			641
NEWTON, N.J.	20		
NEWTON		62	
NEWTON, N.J.	24		
NEWTON			335
ALEXANDER GREEN	102		
NEWTON, N.J.			186
NEWTON	49		
NEWTON	386		

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CENSUS OF PUBLIC SCHOOLS IN NEW YORK - 1940 - OCTOBER 1

651a

SCHOOL	PRE-SCHOOL	ELEMENTARY	JUNIOR HIGH	SENIOR HIGH
HIDDEN VALLEY		61		
HOOTERS GARDEN		414		
HULTHORPE ELEMENTS		40		
IDEAL CHILD		249		
INDEPENDENCE				484
AMAY JUNIOR		222		
KENNEDY JUNIOR			129	
LANSBURY		245		
LONG CREEK		599		
MATTHEWS		563		
MCINTYRE JUNIOR			885	
MERIBAH PARK HIGH				135
NATIONAL ROAD		550 ESTIMATE 405		
NEWELL NO REPORT				
NO CHTN TOWNSHIP HIGH				825
OAKDALE		329		
OAKMURG F		45		
OLDE PROVIDENCE		197		
OLYMPIC				429
PARK ROAD		102		
PAT CREEK		519		
PAT CREEK ANNEX		108		
FIREVILLE		155		
PLAZA ROAD		24		
QUEEN HOLLOW			1332	
RAM'S ROAD		133		
ROCKY M.			390	
PAULINE			640	

AVERAGE NUMBER OF PUPILS TRANSPORTED DAILY - 1965-66 17 DAY AVE

652a

SCHOOL	PRE-SCHOOL	ELEMENTARY	JUNIOR HIGH	SENIOR HIGH
BENEFIELD M.E.		5		
BENEFIELD J.H.			88	
BELMONT		100		
BELROD		170		
BELMONT JUNIOR			897	
BELMONT				1023
BELMONT			235	
STARBUCK		29		
STATEVILLE ROAD		685		
STATELINE CREEK		441		
MONON HILLS		71		
MICKENBEECH		287		
WEST CHARLOTTE				35
WEST HEPBURN				615
WESTFIELD HILLS		48		
JILLIAN'S J.H.			82	
JILSON JUNIOR			932	
WINTERFIELD		37		
DAVIDSON C.D.C.	136			
LINCOLN C.D.C.	168			
SEVERVILLE C.D.C.	139			
MORGAN C.D.C.	156			
TOTALS	599	10,441	8,989	4,708
TOTAL	24,737			

653a

The 1969-70 budget adopted by the Board of Education on September 9, 1969 contains the following provisions for compensatory education:

A. New programs:

Supplements for 12 elementary assistant principals	\$ 10,000.
Salary for 35 additional special education teachers	320,808.
In-service workshops, consultants, visitation	25,000.

B. Redeployment of personnel from system-wide duties to working directly with compensatory education:

5 directors and coordinators	\$ 116,175.
20 corrective reading teachers	206,263.

C. Continuing support for the following activities:

Psychological services	\$ 243,810.
Special education	882,450.
Social work	217,342.
Child Development Centers	760,000.
Learning Academy	190,000.

In addition to the budgetary allotment of funds already committed for compensatory education, the Board of Education intends to make a request of the County Commissioners for the amount of \$150,000 which they have announced publicly is being held in contingency for compensatory education. Specific plans for the use of this money include individualizing instruction, particularly in providing materials and supplies. Attached is a proposal for the use of these funds which is now being considered.

An application also has been made under the education component through the City Demonstration Agency for Model Neighborhood funds as follows:

Instructional Fees for Model Neighborhood students	\$ 26,645.
Establishment of six Model Neighborhood Centers	1,015,188.

The Board of Education has stated its commitment for emphasis in all departments of the school system on the underachiever and the exceptional child.

Purpose: Improve reading skills of slow or retarded readers by providing support materials, equipment and personnel.

1. Materials

Supplement State adopted texts Open Pictures series with recommended supplementary materials:

<u>Grade Level</u>	<u>Budgeted Purchase</u>	<u>Shipping</u>
1	2855	\$23,195
2	2761	7,360
3	2637	7,180
4	2475	3,720
5	2410	3,660
6	2358	3,550
7	2488	3,750
8	2315	3,570
9	2265	3,400
10	2230	3,320
11	1670	2,600
12	1665	2,550
		<u>\$38,085</u>
	<u>Tax and Shipping</u>	<u>2,150</u>
		<u>\$40,235</u>

2. Equipment

200	Tape Recorders	@ \$100.00	\$20,000
100	Record Players	@ 70.00	7,000
500	Listening Centers	@ 56.60	29,300
			<u>\$56,300</u>
	<u>Tax and Shipping</u>	<u>3,000</u>	<u>\$59,300</u>

3. Personnel

Recruit 1,000 volunteers for 20 schools	
2 professional staff persons to coordinate recruitment, training and supervision of volunteers	<u>20,000</u>
	<u>Total Cost</u>
	<u>\$150,135</u>

Order dated November 7, 1969

On October 29, 1969, the United States Supreme Court announced its decision in the Mississippi school case, *Alexander v. Holmes County*, Case No. 632. That decision, the most significant in this field since *Brown v. Board of Education*, peremptorily reversed an order of the Fifth Circuit Court of Appeals which, upon request of the United States Attorney General, had postponed until 1970 the effective desegregation of thirty Mississippi school districts, and had extended from August 11 to December 1, 1969, their deadline for filing desegregation plans. The Supreme Court held that the Court of Appeals

*“ * * * should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing all deliberate speed for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court, the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. Griffin v. School Board, 377 U. S. 218, 234 (1964); Green v. School Board of New Kent County, 391 U. S. 430, 439, 442 (1968).”*
(Emphasis added.)

The Supreme Court further directed the Fifth Circuit Court of Appeals to make such orders as might be necessary for the *immediate* start in each district of the operation of a “totally unitary school system for all eligible pupils without regard to race or color.”

It is this court’s opinion that the word “dual” in the Supreme Court opinion is another word for “segregated,” and that “unitary” is another word for “desegregated” or “integrated.” It is also this court’s opinion that although,

656a

Order dated November 7, 1969

as defendants say, this is not Mississippi, nevertheless the Supreme Court's prohibition against extension of time as laid down in *Alexander v. Holmes County* is binding upon this court and this school board, and bars the exercise of the court's usual discretion in such matters, and that to allow the request of the defendants for extension of time to comply with this court's previous judgments would be contrary to the Supreme Court's decision and should not be done.

Therefore, and based also upon the considerations set out in the memorandum opinion to be filed contemporaneously herewith, the motion of the defendants for extension of time for compliance with the court's August 15, 1969 order is denied. Ruling on all other pending motions is deferred.

This the 7th day of November, 1969.

/s/ JAMES B. McMILLAN
James B. McMillan
United States District Judge

Memorandum Opinion dated November 7, 1969**PRELIMINARY STATEMENT**

On Wednesday, October 29, 1969, the United States Supreme Court announced its decision in the Mississippi school case (*Alexander v. Holmes County*, Case No. 632). That decision peremptorily reversed an order of the Fifth Circuit Court of Appeals which, upon request of the United States Attorney General, had postponed until 1970 the effective desegregation of thirty Mississippi school districts, and had extended from August 11 to December 1, 1969, their deadline for filing desegregation plans. The Supreme Court held that the Court of Appeals

*" * * * should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing all deliberate speed for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court, the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin v. School Board*, 377 U. S. 218, 234 (1964); *Green v. School Board of New Kent County*, 391 U. S. 430, 439, 442 (1968)."*

(Emphasis added.)

The Supreme Court further directed the Fifth Circuit Court of Appeals to make such orders as might be necessary for the immediate start in each district of the operation of a "totally unitary school system for all eligible pupils without regard to race or color."

The Mississippi school districts in the *Holmes County* case had degrees of desegregation ranging from nearly zero to about 16% of the Negro pupils. They like Mecklenburg hoped that their "freedom of choice" plans would satisfy the Constitution.

Memorandum Opinion dated November 7, 1969

The request for time extension, and all later proceedings in this cause, must be considered in light of the Supreme Court's reaffirmation of the law which this court has been following, and in light of the urgency now required by the *Holmes County* decision.

THE RESULTS OF THE 1969 PLAN

For pupil desegregation, the July 29, 1969 plan proposed to close seven black inner-city schools (most or all of which had previously been ear-marked for eventual "phase-out") and to transfer their 3,000 students in specified numbers to named suburban schools. All the transferee schools except West Charlotte were white. In addition, 1,245 black students, in specified numbers, were to be transferred from eight black or largely black schools to other designated suburban white schools.

The plan was accepted and approved because of its apparent promise to extend the opportunities of a desegregated education to over 4,000 new black students.

The plan has not been carried out as advertised: (a) Only 73 of the 1,245 scheduled for transfer from overcrowded black schools have been so transferred; those 73 were transferred not to the schools designated, but to other schools not mentioned in the plan. (b) It is now revealed that the closed schools, which were billed in July to produce 3,000 black students for transfer, actually had only 2,627 students in them when the schools closed in June! (c) The Board allowed full freedom of choice for students from the closed schools, and those students in large numbers elected to go to Harding High School, and to Williams Junior High, Northwest Junior High and other black schools, instead of to the assigned white schools. As a result, Harding High School was transformed immediately

Memorandum Opinion dated November 7, 1969

from 17% black to 47% black. This produced community consternation but no racial disorder among the students. The result may be deplorable, but the fact that the students at Harding High School have adjusted peaceably to the situation (like others before them at Cornelius, Davidson, Olympic, Randolph Road, Hawthorne and Elizabeth, and like the people of Anson and other North Carolina counties) shows that Mecklenburgers can live with desegregated schools. (d) The transfers proposed simply appear never to have been made to most of the suburban schools named in the plan. (e) *The plan therefore transferred to white schools only 1,315 instead of the promised 4,245 black pupils!* From closed schools, the elementary transferees numbered 463 instead of the advertised 1,235; junior high transferees were 273 instead of 630; and senior high transferees were 506 instead of 1,135; and from overcrowded schools 73 instead of 1,245. If Harding (47% black, 630 Negro students), Olympic (42% black, 376 Negro students), and Wilmore (49% black, 228 Negro students) should be allowed to continue their rapid shift from white to black, the net result of the 1969 pupil plan would be nearly zero.

Faculty desegregation has significantly and commendably improved since the April 27 order. Nevertheless, only six "black" schools and one "black" kindergarten have predominantly white faculties; and 98 out of the 106 schools and kindergartens in the system are today readily and obviously identifiable by the race of the heavy majority of their faculties.

The "performance gap" is wide.

660a

Memorandum Opinion dated November 7, 1969

THE SITUATION TODAY

The following table illustrates the racial distribution of the present school population:

SCHOOLS READILY IDENTIFIABLE AS WHITE

% WHITE	NUMBER OF SCHOOLS	NUMBERS OF STUDENTS	
		WHITE	BLACK
			TOTALS
100%	9	6,605	2
98-99%	9	4,801	49
95-97%	12	10,836	505
90-94%	17	14,070	1,243
86-89%	10	8,700	1,169
	—	—	—
	57	45,012	2,968
			47,980

SCHOOLS READILY IDENTIFIABLE AS BLACK

% BLACK	NUMBER OF SCHOOLS	NUMBERS OF STUDENTS	
		WHITE	BLACK
			TOTALS
100%	11	2	9,216
98-99%	5	41	3,432
90-97%	3	121	1,297
56-89%	6	989	2,252
	—	—	—
	25	1,153	16,197
			17,350

SCHOOLS NOT READILY IDENTIFIABLE BY RACE

% BLACK	NUMBER OF SCHOOLS	NUMBERS OF STUDENTS	
		WHITE	BLACK
			TOTALS
32-49%	10	4,320	2,868
17-20%	8	5,363	1,230
22-29%	6	3,980	1,451
	—	—	—
	24	13,663	5,549
TOTALS:	106	59,828	24,714
			84,542

Some of the data from the table, re-stated, is as follows:

Number of schools	106
Number of white pupils	59,828
Number of black pupils	24,714

Memorandum Opinion dated November 7, 1969

Total pupils	84,542
Per cent of white pupils	71%
Per cent of black pupils	29%
Number of "white" schools	57
Number of white pupils in those schools	45,012
Number of "black" schools	25
Number of black pupils in those schools	16,197
Number of schools not readily identifiable by race	24
Number of pupils in those schools	19,212
Number of schools 98-100% black	16
Negro pupils in those schools	12,648
Number of schools 98-100% white	18
White pupils in those schools	11,406

Of the 24,714 Negroes in the schools, something above 8,500 are attending "white" or schools not readily identifiable by race. More than 16,000, however, are obviously still in all-black or predominantly black schools. The 9,216 in 100% black situations are considerably more than the number of black students in Charlotte in 1954 at the time of the first *Brown* decision. The black school problem has not been solved.

The schools are still in major part segregated or "dual" rather than desegregated or "unitary."

The black schools are for the most part in black residential areas. However, that does not make their segregation constitutionally benign. In previous opinions the facts respecting their locations, their controlled size and their population have already been found. Briefly summarized, these facts are that the present location of white schools in white areas and of black schools in black areas is the result of a varied group of elements of public and private action, all deriving their basic strength originally from

Memorandum Opinion dated November 7, 1969

public law or state or local governmental action. These elements include among others the legal separation of the races in schools, school busses, public accommodations and housing; racial restrictions in deeds to land; zoning ordinances; city planning; urban renewal; location of public low rent housing; and the actions of the present School Board and others, before and since 1954, in locating and controlling the capacity of schools so that there would usually be black schools handy to black neighborhoods and white schools for white neighborhoods. There is so much state action embedded in and shaping these events that the resulting segregation is not innocent or "*de facto*," and the resulting schools are not "unitary" or desegregated.

FREEDOM OF CHOICE

Freedom of choice has tended to perpetuate segregation by allowing children to get out of schools where their race would be in a minority. The essential failure of the Board's 1969 pupil plan was in good measure due to freedom of choice.

As the court recalls the evidence, it shows that *no white students have ever chosen to attend any of the "black" schools.*

Freedom of choice does not make a segregated school system lawful. As the Supreme Court said in *Green v. New Kent County*, 391 U.S. 430 (1968) :

"* * * If there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable."

Redrawing attendance lines is not likely to accomplish anything stable toward obeying the constitutional mandate

Memorandum Opinion dated November 7, 1969

as long as freedom of choice or freedom of transfer is retained. The operation of these schools for the foreseeable future should not include freedom of choice or transfer except to the extent that it reduces segregation, although of course the Board under its statutory power of assignment can assign any pupil to any school for any lawful reason.

THE "NATIONAL STANDINGS"

The defendants filed some statistics concerning the one hundred largest school systems in the country, and say that Charlotte-Mecklenburg desegregation compares favorably with that in most of those systems. That may well be so. The court is not trying cases involving the other ninety-nine school boards, and has not studied any evidence about them and does not know their factual nor legal problems. The court in its first order of April 23, 1969 has noted the substantial desegregation achieved in certain areas in the Charlotte-Mecklenburg system, and is still aware of it. The fact that other communities might be more backward in observing the Constitution than Mecklenburg would hardly seem to support denial of constitutional rights to Mecklenburg citizens. The court doubts that a double standard exists. The Attorney General of the United States has filed suit for desegregation in Connecticut as well as in the whole State of Georgia. One of the most stringent desegregation orders on record was entered recently against a school board in the City of Chicago. Constitutional rights will not be denied here simply because they may be denied or delayed elsewhere. There is no "Dow-Jones average" for such rights. With all due deference to the complexities of this school system, which have already been fully noted

664a

Memorandum Opinion dated November 7, 1969

in previous opinions, the Board and the community must still observe the Constitution. The fact that the school system ranks high in some artificial "national standings" or that one-third of the Negro students do attend desegregated schools or predominantly white schools is no answer to the constitutional problems presented by sixteen thousand black Mecklenburgers still going to all-black or largely black schools in this predominantly white community.

THE PROSPECTS FOR THE FUTURE

The second part of the Board's report is answers to the court's questions designed to determine whether the Board has made the hard decisions necessary to desegregate the schools.

The answers show that those decisions have not been made.

The computer expert has been given restrictions which, taken at face value, indicate that his work will not lead to desegregation of all the schools. One such restriction has the apparent effect of limiting attendance to those who live a maximum of roughly a mile and a half from the school. (This is the requirement that all grids or areas must be "contiguous to the home grid or to grids which are contiguous to the home grid.") Another is the limitation that no school attended by whites should have less than a 60% white student population. (Unless this were coupled with a further requirement that no school attended by blacks shall have more than a 40% black student population, this appears to put the black schools "off limits" for his study.) The original verified motion of the School Board contained two other limitations. Those were that "a 'desirable' racial balance should be obtained" and that "reasonable limitation on distance of travel for a child has been imposed." The

Memorandum Opinion dated November 7, 1969

record is silent on what these limitations mean and whether they are still in effect.

The Board has not accepted pairing and grouping and clustering of schools as legitimate techniques, but has simply indicated that it will "consider" those techniques where they offer "*reasonable prospects of producing stable desegregation ***.*" (Emphasis added.)

The report states unconditionally that:

"The information supplied by the systems analysis approach will not produce desegregation of all schools by September, 1970. Dramatic results are expected. It is hoped that the number of all white and all black schools will be substantially reduced. The number of such schools cannot be determined at this time." (Emphasis added.)

The report also says that:

" * * The Board of Education does not feel that it will be possible to produce pupil desegregation in each school by September, 1970. It is expected that faculties will fairly represent a cross section of the total faculty so that most and possibly all schools will not have a racially identifiable faculty. Furthermore, the restructuring of attendance lines coupled with faculty desegregation *may* satisfy constitutional requirements."* (Emphasis added.)

The School Board is sharply divided in the expressed views of its members. From the testimony of its members, and from the latest report, it cannot be concluded that a majority of its members have accepted the court's orders as representing the law which applies to the local schools.

666a

Memorandum Opinion dated November 7, 1969

By the responses to the October 10 questions, the Board has indicated that its members do not accept the duty to desegregate the schools at any ascertainable time; and they have clearly indicated that they *intend not to do it* effective in the fall of 1970. They have also demonstrated a yawning gap between predictions and performance.

Withholding or delaying the constitutional rights of children to equal educational opportunity on such vague terms as these is not the province of the School Board nor of this court.

Furthermore, since the Supreme Court has now prohibited lower courts from granting extensions of time, it may well be that the gradual time table laid down by this court's April 23, 1969 order contemplating substantial progress in 1969 and complete desegregation by September 1970) was and is too lenient.

If the plan tendered by the School Board on November 17, 1969 is thorough and informative, and sufficiently shows an unconditional purpose on the part of the Board to complete its job effective by September, 1970, the Board may perhaps be allowed to adhere to the existing time table. Certainly a Mecklenburg plan ought if possible to be prepared by the Mecklenburg School Board and its large and experienced staff, rather than by outside experts. Decision on that and other pending questions must await further developments, including the Board's November 17, 1969 report.

CONCLUSIONS

The school system is still discriminatorily segregated by race and maintained that way by state action. In many ways it is not in compliance with the Constitution. The Board has not shown a valid basis for an extension of time

667a-669a

Memorandum Opinion dated November 7, 1969

to comply with the court's judgment; it has shown no intention to comply by any particular time with the constitutional mandate to desegregate the schools; and it has suggested its intention *not* to comply by September, 1970. In spite of those facts the court would like as a matter of discretion to grant some of the time extension requested, but is of the considered opinion that in *Alexander v. Holmes County* the Supreme Court has prohibited the exercise of such discretion. The findings of fact in this opinion will be considered, along with facts found in previous orders, opinions and memoranda, as the basis for such future judgments and orders as may be appropriate, including such judgments and orders as may be appropriate upon receipt of the Board's November 17, 1969 plan. All statements of fact in this memorandum opinion, whether or not labeled as such, shall be deemed findings of fact, as necessary to support such judgments and orders.

This the 7th day of November, 1969.

/s/ JAMES B. McMILLAN
James R. McMillan
United States District Judge

670a

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

Pursuant to the order of the Court dated August 15, 1969, and as re-affirmed by the order of the Court dated November 7, 1969, the Charlotte-Mecklenburg Board of Education submits the following as its plan for further desegregation of the schools served by the Charlotte-Mecklenburg Public School System.

RESTRUCTURING OF ATTENDANCE LINES

The Board of Education has embarked upon a comprehensive program for the purpose of restructuring attendance lines involving all schools and all students served by the system. The primary purpose of this program is to achieve further desegregation in as many schools as possible. For the past two and one-half months, this program has been underway and an enormous amount of work has already been performed to bring the program to a point where meaningful information can now be brought forward.

The criteria for developing the computer assisted systems analysis approach to restructuring the attendance lines are as follows:

1. Systems Associates, Inc., the company employed to devise a computer assisted systems analysis approach to restructuring of attendance lines, has been instructed to include all schools and students served by the system. In this connection, it is understood that the product of such an approach would involve a computer print-out of all possible configurations or combinations of grids within the following limitations:

- A. Each school district must be comprised of a single set of contiguous grids. (A grid is a 2500 foot square

671a

*The Amendment to Plan for Further Desegregation
of Schools*

as shown on the school attendance maps filed as exhibits in this matter.)

- B. No combination of grids can be considered if they exceed the rated capacity of the school by 20 per cent. Further, such combinations cannot under-populate the school by more than 20 per cent.
- C. A school district cannot contain the home grid of another school.
- D. A school district must contain the home grid in which the school is located.
- E. No school district to which white students are assigned should have less than 60 per cent white student population to avoid "tipping."

After meeting these five tests, all possible combinations of grids are being printed separately for each school. The combinations will be reviewed to determine their desirability. Desirability will be determined by the following factors: (1) the closeness of the integration ratio to 70 per cent white—30 per cent black, (2) the compactness of the school district and (3) the combination of grids which yields a student population closest to 100 per cent of the school's capacity.

It is observed that the first five rules serve to identify the various combinations of grids which are possible and the latter three rules judge the desirability of the various combinations.

The best alternative set of grids for each school will then be considered by school personnel familiar with neighborhoods, traffic patterns, natural hazards and other factors. This review may have a limited effect upon desegregation,

*The Amendment to Plan for Further Desegregation
of Schools*

favorably or unfavorably. After consideration of the computer information and such factors as listed above, a new school district will be formulated and its lines shown on a map. Other school districts will be formulated in the same manner until such time as the entire school system serving the elementary, junior high and senior high schools have been redistricted.

It is noted that, in any restructuring of lines, there is a "domino" effect such that a change in any one attendance line may cause changes in other attendance lines. Great care must be exercised in devising attendance lines which promise a substantial degree of stable desegregation. Therefore, in the opinion of the Board, its staff and Systems Analysis Associates, Inc., February 1, 1970, is the earliest practicable date a uniform, comprehensive and well-planned program which restructures attendance lines can be developed and approved by the Board of Education for submission to the Court.

The Board of Education has conducted an examination of the results of the computer analysis of attendance lines for forty-three (43) elementary schools located in the densely populated areas of the city. This examination discloses that it is *theoretically* possible to populate these schools with the following ratios of black students:

1. Two (2) schools at which the black student population ratio is 0%.
2. Nine (9) schools at which the black student population ranges from one to five per cent.
3. Two (2) schools in which the black student population ranges from six to ten per cent.

*The Amendment to Plan for Further Desegregation
of Schools*

4. One (1) school in which black student population ranges from eleven to fifteen per cent.
5. Twenty-two (22) schools in which black student population ranges from sixteen to forty per cent.
6. Seven (7) schools in which the black student population is 100 per cent.

It should be noted that these combinations are theoretically possible. However, actual drawing of district lines may disclose that one or more grids are needed in several adjacent attendance areas in order to achieve the ratios set forth above. Computation of the alternatives possible at one black school disclosed that there were in excess of 2,000 possible grid configurations for the school district each of which would yield 60 per cent or greater white student population. The task of selecting the most desirable configuration consistent with the needs of adjacent schools is a monumental task which will require substantial efforts to accomplish for all of the 107 school served by the system.

The Board elected to work first with elementary schools rather than secondary schools because the size of the secondary districts requires substantially greater computer time. Therefore, the Board is not presently in position to furnish to the Court information gained from computer print-outs relating to the secondary schools.

The Board is most concerned with the question of "tipping" referred to above. It has been frequently observed that once a school reaches a point between 35 and 45 per cent black in student population, the school and neighborhood become rapidly predominantly or all black. For ex-

*The Amendment to Plan for Further Desegregation
of Schools*

ample, in the school year 1954-1955, Barringer, Bethune, Elizabeth, First Ward, Lakeview, Seversville, Zeb Vance, Villa Heights and Wesley Heights Elementary Schools and Hawthorne and Piedmont Junior High Schools housed all white student bodies totaling 5,502 students. During the school year 1968-1969, these schools except Seversville and Wesley Heights which are now housed in Bruns Avenue Elementary School had student population of 4,652 (81 per cent) black and 1,105 (19 per cent) white students. It is further noted that in March of 1965, these schools had a black student population totaling 35 per cent of the combined enrollments. Therefore, it is the plan of this School Board to limit schools to which white students are assigned to those schools in which it is possible to provide a student population which is at least 60 per cent white. Otherwise, schools with high percentages of blacks become rapidly or more predominantly black and as found by the Court, "a racial mix in which black students heavily predominate tends to retard the progress of the whole groups, whereas, if students are mingled with a clear white majority, such as a 70/30 ratio, the better students can hold their pace, with substantial improvement for the poorer students." It is the considered judgment of the Board of Education supported by its staff that to create a school district which is likely to turn predominantly black is an exercise in futility and will neither produce quality education for the children nor offer lasting prospects for stable desegregation.

The Board has instructed the school staff to periodically review schools which show an unusual growth in their black student population and report to the Board such attendance districts in order that the Board may consider revis-