

CMS Student Assignment Policy: Background

Background

Over the decades, Charlotte-Mecklenburg Schools has adopted different goals, plans, and processes for how students are assigned to attend certain schools.

Some of this is determined by housing patterns and population. As the county population grows and changes, and new schools are constructed in different parts of the community.

Other factors include race, socio-economics, and legal requirements to ensure that all students have access to a good education.

A few key dates

1954 – Brown v Board of Education Supreme Court ruling for desegregation of US public schools

1957 – Black students attend Harding High School, a formerly segregated school in Charlotte

1960 - Charlotte City and Mecklenburg County School Districts merge, creating Charlotte-Mecklenburg Schools (CMS)

1965 – Swann v CMS Board of Education case is filed by CMS parent

1969 – Judge McMillan rules that CMS must create student assignment plan to desegregate

1974 – Busing plan is implemented to desegregate CMS schools. To achieve diverse schools, students were bused to schools located in other parts of the community.

1975 – Judge McMillan closes court case.

1997 – Capacchione v CMS Board of Education case is filed by CMS parent

The Swann attorneys announce that the school system had not fully desegregated and should not be released from court-ordered desegregation.

1998 – Judge Potter reactivates Swann case and consolidates it with Capacchione case.

1999 - Judge Potter rules that CMS must stop using race as a factor in student assignment plans

2001 – CMS creates new student assignment plans based on neighborhoods and choice.

2015 – Many CMS schools are segregated by race and socio-economic status. School board is reviewing student assignment policy and is considering changes.

Learn more

CMS Student Assignment Plan

<http://www.cms.k12.nc.us/boe/Pages/2010%20GuidingPrinciplesforStudentAssignment.aspx>

CMS Student Assignment Review

<http://www.cms.k12.nc.us/cmsdepartments/StudentPlacement/PlanningServices/20172018StuAsgnReview/Pages/default.aspx>

Schools and Opportunity by Amy Hawn Nelson, UNCC Institute for Social Capital

<https://goo.gl/G643mg>

Charlotte Observer and other local sources

<http://www.charlotteobserver.com/news/local/education/article31029576.html>

<http://www.charlotteobserver.com/news/local/education/your-schools-blog/article34932927.html>

<http://www.charlotteobserver.com/news/local/education/your-schools-blog/article37095666.html>

<http://www.charlottemagazine.com/Charlotte-Magazine/September-2014/The-Fall-of-the-Lions/>

<http://www.tuesdayforumcharlotte.org/2015/09/22/group-proposes-approach-to-education-at-majority-african-american-schools/>

<http://www.charlotteobserver.com/news/local/education/your-schools-blog/article36210228.html>

Read, Think, Decide, Act: GenerationNation activities and learning opportunities

<http://www.generationnation.org/index.php/learn/entry/learning-opportunity-rethinking-student-assignment>

HISTORY

Dorothy Counts (now Dorothy Counts-Scoggins)

Interview <http://www.charlotteobserver.com/latest-news/article10455449.html>

Photo http://charlottemagazine-images.dashdigital.com/Charlotte-Magazine/August-2010/Where-are-They-Now/0810_FEA_WATN_Dorothy.jpg?ver=1279604031

New York Times Desegregation and Public Schools

Video <http://nyti.ms/1eqM49u>

Article http://www.nytimes.com/2013/09/09/booming/desegregation-and-the-public-schools.html?_r=0

Brown v Board of Education

Wikipedia https://en.wikipedia.org/wiki/Brown_v._Board_of_Education

CSPAN <http://www.c-span.org/search/?searchtype=All&query=brown+v+board+of+education>

Court document transcript <http://www.uscourts.gov/educational-resources/educational-activities/history-brown-v-board-education-re-enactment>

Swann v Board of Education

Wikipedia https://en.wikipedia.org/wiki/Swann_v._Charlotte-Mecklenburg_Board_of_Education

Court case <https://www.law.cornell.edu/supremecourt/text/402/1>

Desegregation (from CMS website – History of CMS)

On May 17, 1954, the Supreme Court ruled in the case of *Brown vs. the Board of Education of Topeka, Kansas* that the “separate but equal” doctrine which had been in effect since 1896 was unconstitutional. The high court also declared that separate schools were “inherently unequal” and that schools must desegregate with “all deliberate speed.”

At the time, Charlotte was very much a segregated city, with black schools and white schools within the district. The schools reflected the larger social context in a city with no integrated hotels, restaurants, restrooms, churches, cemeteries or theaters.

For three years following the Brown decision, there was no move to comply with the law. There was no real pressure from the community and the prevailing attitude was just to wait and see. Then, in 1957, black citizens moved to take advantage of their legal right to attend white schools.

Four black students entered white schools in 1957. Delores Huntley attended Alexander Graham Junior High School for one year. Girvaud Roberts attended Piedmont Junior High School for two years. Gus Roberts graduated from Central High School in 1959.

Across town at Harding High School, now the location of Irwin Avenue Elementary, the school’s first black student, Dorothy Counts, attempted to enroll but her entrance into school stirred an angry response. A photo taken on the first day of school shows her surrounded by an angry, jeering mob. The picture appeared in many newspapers across the Southeast.

In general, however, Charlotte received national attention for desegregating schools with relative ease. Gus Roberts’ graduation from the formerly all-white Central High School was not achieved without some resistance. But Principal Ed Sanders and other staff supported him and worked hard to keep order within the school. Counts, however, ended up finishing her secondary education in another state. (She returned to Charlotte to live, however.)

The new district, like many others across the country, struggled with desegregation. Great disparities between schools had not ended with consolidation. A pattern of massive “white flight” emerged, with families moving to the developing suburban areas of the county as a means of avoiding desegregation.

Ten years after the Brown decision, segregation was still the reality in Charlotte-Mecklenburg. In 1964, the system had 88 segregated schools – 57 white and 31 black. This led to one of the most significant court cases in the region's history in 1965: *Swann vs. the Charlotte-Mecklenburg Board of Education*.

The case was brought by the Rev. Darius Swann and his wife, Vera, who had been missionaries in India and had returned to Charlotte. The Swanns' son, James, had attended integrated schools in India, and his family strongly valued the experience. The school closest to the Swanns' home in Charlotte was Seversville, a school with 297 white students and 26 black students. After James' first day at Seversville, he was told that he was at the wrong school and that he should be assigned to Biddleville, an all-black school. The Swanns contended that children were able to "transfer out of integrated schools, but not allowed to transfer into them, and that the law should be equally binding...otherwise the law is discriminatory."

The Swanns' request that James attend Seversville was denied by the Charlotte-Mecklenburg Board of Education. On Jan. 19, 1965, Charlotte attorney Julius Chambers filed suit on behalf of the Swann family and nine other families. The suit took many years to resolve (the Swanns left the area two years later but the suit played on). The suit alleged:

- Some dual school zones remained in operation, creating essentially black and white school districts side by side,
- Compounding the problem, the Board of Education permitted transfers out of integrated schools, but discouraged transfers into the schools,
- Most school faculties were completely segregated.

On July 12, 1965, Judge Braxton Craven ruled in favor of the Board of Education, saying it had shown clear intent and had made steady progress toward ending a policy of segregated schools. At the time, only 2,126 of the district's 23,000 black students attended school with white students and 66 of Charlotte's 109 schools were entirely segregated. Craven's ruling also ordered immediate desegregation of staff and faculty.

Chambers appealed the decision to the Fourth Circuit Court of Appeals, which upheld Craven's ruling on Oct. 24, 1966. However, the case was revived two years later, when the U.S. Supreme Court ruled in a Virginia case that Kent County had an obligation to eliminate historic patterns of segregation. The county had a black high school and a white high school and the court found that freedom of choice was not an adequate remedy. Chambers saw this decision as an opportunity to reopen the Swann case because the decisions of the Charlotte-Mecklenburg Board of Education did not meet the standards set by the Supreme Court in the Kent County (Virginia) case.

Chambers refiled the Swann suit in March of 1969. On April 23 of that year, federal Judge James B. McMillan ruled that the Charlotte-Mecklenburg Schools district was not desegregated. McMillan noted that "approximately 14,000 of the 24,000 black students still attended schools that were all black or heavily black, and most of the system's 24,000 teachers were white."

McMillan directed the Board of Education to submit a positive plan for to desegregate the schools by the fall of 1970. He specified that the "the Board is free to consider all known ways of desegregation, including busing."

The Board developed several plans. All were rejected by McMillan, who then appointed Dr. John Finger of Rhode Island to prepare a plan for total integration. The Finger plan was submitted and McMillan ordered the Charlotte district to put it in place. But the Board of Education appealed the order. The Fourth Circuit Court directed McMillan to hold new hearings and apply the “test of reasonableness” to the extensive busing of elementary students. McMillan held the hearings and in August 1970, he reinstated his February decision, effective with the opening of schools. The Board of Education appealed and the Supreme Court affirmed the McMillan order. School opened on Sept. 9 and the district had 525 buses in service, 191 more than a year earlier, to transport students.

Dr. Phillips resigned on June 30, 1967, and Dr. William Self was named superintendent.

Work continued on the desegregation plan and the Board of Education approved a busing plan in July 1974 that was approved by McMillan. In 1975, McMillan was satisfied that the plan was indeed working and he closed the Swann case, nine years after it was first filed.

Swann returns

Student assignment resurfaced as a district issue in 1997, when Charlotte parent Bill Capacchione sued the Charlotte-Mecklenburg school system, charging that his daughter was twice denied entrance to a magnet school because she was not black. The Swann attorneys announced in October 1997 that they would join the case to fight the Capacchione suit, saying that the school system had not fully desegregated and should not be released from court-ordered desegregation.

In March 1998, U.S. District Judge Robert Potter reactivated the Swann case and consolidated it with Capacchione’s suit. Two months later, six parents joined the case saying that race-based policies influence everything from how students are assigned to where schools are built. The parents argued that the district's schools were fully desegregated and continued use of race-based policies was unconstitutional. On the other side, several black parents joined the Swann team, seeking to keep the desegregation order in place.

On Sept. 9, 1999, Judge Robert Potter ruled that the school system must stop using race as a factor in student assignment plans. In October 1999, the school board voted to appeal Judge Potter’s ruling to the Fourth Circuit Court of Appeals, seeking a stay to delay the new student-assignment plan that would not use race as a factor in student assignment. Two members of the Swann team also filed an appeal and a stay request.

In November 1999, Superintendent Eric Smith proposed a new student assignment plan that would send students to schools closer to home and provide families with choice. The assignment plan was developed on the framework of choice zones and offered K-12 stability to families. The Board of Education approved the plan after soliciting public feedback and the appeals court granted the Board request for a delay in the Swann/Capacchione ruling.

In January 2000, the Board of Education voted to delay the new student assignment plan until fall 2001 and to convene a citizens task force to make recommendations on the new student-assignment plan. In May, the Board agreed to use mediators to select a plan and one was adopted on June 1.

The new student assignment plan focused on the following areas:

- giving families a chance to choose a school close to home
- preserving the integrity of choice
- addressing growth in a reasonable way
- offering stability through K-12 feeder patterns

On June 7, 2000, the Fourth Circuit Court heard the Charlotte-Mecklenburg Schools desegregation case. In a ruling issued Nov. 30, of that year, the court found that CMS was not unitary in some areas such as facilities, student assignment, student achievement and transportation and sent them back to the lower court for reconsideration. Areas such as faculty, staff, extracurricular activities and student discipline were considered unitary. The Board of Education voted Dec. 1 to set aside the new family choice plan in order to comply with the ruling.

The Board of Education continued to work on a desegregation plan based on the family-choice framework, ultimately approving a new student assignment plan in July 2001 that withstood legal challenges. The plan was put into place for the 2002-2003 school year.

While the Swann and related cases churned through the courts, CMS was fast gaining recognition as an urban school system making tremendous academic gains under the leadership of Dr. Eric Smith. The district gained national attention for its student achievement and participation in higher-level courses. The National College Board awarded the first Advanced Placement diplomas in the nation to CMS students. Dr. Smith received the Richard R. Green Award from the Council of the Great City Schools, an organization which represents the largest urban school systems in the country. The district was also recognized by the Council of the Great City Schools in 2001 as one of four top urban school districts for increasing scores in reading and math and closing the achievement gap.

On April 15, 2002, the United States Supreme Court announced that it would not revisit the Swann/Cappachione cases and related petitions, allowing the Fourth Circuit's approval of the district's student-assignment plan to stand. The decision effectively closed the Swann case.