

Order dated February 5, 1970

On December 2, 1969, this court appointed Dr. John A. Finger, Jr., of Providence, Rhode Island, to study the Charlotte-Mecklenburg school system and advise the court how the schools could be desegregated. The defendant school board, by order of December 1, 1969, had been extended a fourth opportunity to submit a plan if they wished. Dr. Finger went to work; the school staff worked with him; and they have produced some extremely useful information and reports, which will be referred to in this order as the Board plan and the Finger plan.

Hearings on the plans were conducted on February 2 and February 5, 1970.

The Board plan, prepared by the school staff, relies almost entirely on geographic attendance zones, and is tailored to the Board's limiting specifications. It leaves many schools segregated. The Finger plan incorporates most of those parts of the Board plan which achieve desegregation in particular districts by re-zoning; however, the Finger plan goes further and produces desegregation of all the schools in the system.

Taken together, the plans provide adequate supplements to a final desegregation order.

The court would like again to express appreciation to Dr. Finger for the intelligence, resourcefulness and tact with which he has pursued his difficult assignment, and to Dr. William Self, Superintendent of the schools, and to his able staff, for the excellent work done by them in their difficult role of helping prepare one plan to comply with what the court believes the law requires, and simultaneously preparing another plan to suit the majority of the School Board who, at last reckoning, still did not appear to accept the court's order as representing the law of the land.

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The court is also grateful to the Board's outside consultant, Mr. Weil, of Systems Associates, Inc., whose two hundred days of work and whose computer studies formed the building blocks, or points of departure, for much of the work of the others.

Recent appellate court decisions have hammered home the message that sixteen years of "deliberate speed" are long enough to desegregate tax supported schools. On October 29, 1969, in *Alexander v. Holmes County*, 369 U.S. 19, the Supreme Court ordered numerous Deep South school districts to be completely desegregated by January 1, 1970; schools in Atlanta, Miami and parts of Chicago have been ordered totally desegregated; the Supreme Court in January ordered February 1, 1970, desegregation of 300,000 pupils in six Gulf Coast states; the Fourth Circuit Court of Appeals in *Nesbit v. Statesville*, — F.2d. — (December 2, 1969), ordered elimination by January 1, 1970, of the racial characteristics of the last black schools in Durham, Reidsville and Statesville, North Carolina; and in *Whittenberg v. Greenville, South Carolina*, the Fourth Circuit Court of Appeals, in an opinion by Chief Judge Clement F. Haynsworth, Jr., has just last month ordered the desegregation by February 16, 1970, of the 58,000 students in Judge Haynsworth's own home town. Judge Robert Martin of Greenville, pursuant to that mandate, on February 2, 1970, ordered all the Greenville schools to be populated by February 16, 1970, on a basis of 80% white and 20% black.

In the *Greenville* opinion the court said:

"These decisions leave us with no discretion to consider delays in pupil integration until September 1970. Whatever the state of progress in a particular school

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district and whatever the disruption which will be occasioned by the immediate reassignment of teachers and pupils in mid-year, there remains no judicial discretion to postpone immediate implementation of the constitutional principles as announced in *Green v. County School Board of New Kent County*, 391 U.S. 430; *Alexander v. Holmes County Bd. of Educ.*, 396 U.S. 19 (Oct. 29, 1969); *Carter v. West Feliciana Parish School Bd.*, — U.S. — (Jan. 14, 1970)."

These decisions are binding on the United States District Court for the Western District of North Carolina. Unless that were true, the Constitution would mean whatever might be the temporary notion of whichever one of 340-odd federal judges happened to hear the case. This is a matter of law, not anarchy; of constitutional right, not popular sentiment.

The order which follows is not based upon any requirement of "racial balance." The School Board, after four opportunities and nearly ten months of time, have failed to submit a lawful plan (one which desegregates all the schools). This default on their part leaves the court in the position of being forced to prepare or choose a lawful plan. The fairest way the court knows to deal with this situation was stated clearly in the December 1, 1969 order, as follows:

"In default of any such plan from the school board, the court will start with the thought, originally advanced in the order of April 23, that efforts should be made to reach a 71-29 ratio in the various schools so that there will be no basis for contending that one school is racially different from the others, but to

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understand that variations from that norm may be unavoidable.”

THEREFORE, and in accordance with the specific, detailed, numbered guidelines of this court's order of December 1, 1969, IT IS ORDERED:

1. That the defendants discontinue the operation of segregated schools.

2. That the defendants take such action as is necessary to desegregate all the schools—students and faculty.

3. That desegregation of faculty be accomplished, as previously ordered, by assigning faculty (specialized faculty positions excepted) so that the ratio of black and white faculty members of each school shall be approximately the same as the ratio of black and white faculty members throughout the system.

4. That teachers be assigned so that the competence and experience of teachers in formerly or recently black schools will not be inferior to those in the formerly or recently white schools in the system.

5. That no school be operated with an all-black or predominantly black student body.

6. That pupils of all grades be assigned in such a way that as nearly as practicable the various schools at various grade levels have about the same proportion of black and white students.

7. That transportation be offered on a uniform non-racial basis to all children whose attendance in any school

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is necessary to bring about the reduction of segregation, and who live farther from the school to which they are assigned than the Board determines to be walking distance. Estimates of the number of children who may have to be transported have run as high as 10,000 or more. Since the cost to the local system is about \$18 or \$20 a year per pupil, and the cost to the state in those areas where the state provides transportation funds is about another \$18 or \$20 a year per pupil, the average cost for transportation is apparently less than \$40 per pupil per year. The local school budget is about \$45,000,000 a year. It would appear that transporting 10,000 additional children, if that is necessary, and if the defendants had to pay it all, would add less than one per cent to the local cost of operating the schools. The significant point, however, is that the cost is not a valid legal reason for continued denial of constitutional rights.

8. That if geographic zones are used in making school assignments, the parts of a zone need not be contiguous.

9. That the defendants maintain a continuing control over the race of children in each school, just as was done for many decades before *Brown v. Board of Education*, and maintain the racial make-up of each school (including any new and any re-opened schools) to prevent any school from becoming racially identifiable.

10. That "freedom of choice" or "freedom of transfer" may not be allowed by the Board if the effect of any given transfer or group of transfers is to increase the degree of segregation in the school from which the transfer is requested or in the school to which the transfer is desired.

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11. That the Board retain its statutory power and duty to make assignments of pupils for administrative reasons, with or without requests from parents. Administrative transfers shall not be made if the result of such transfers is to restore or increase the degree of segregation in either the transferor or the transferee school.

12. That if transfers are sought on grounds of "hardship," race will not be a valid basis upon which to demonstrate "hardship."

13. That the Board adopt and implement a continuing program, computerized or otherwise, of assigning pupils and teachers during the school year as well as at the start of each year for the conscious purpose of maintaining each school and each faculty in a condition of desegregation.

14. That the defendants report to the court weekly between now and May 15, 1970, reporting progress made in compliance with this order; and that they report thereafter on July 15, August 15, September 15 and November 1, 1970, and on February 1 and May 1, 1971.

5. That the internal operation of each school, and the assignment and management of school employees, of course be conducted on a non-racial, non-discriminatory basis.

16. The duty imposed by the law and by this order is the desegregation of schools and the maintenance of that condition. The *plans* discussed in this order, whether prepared by Board and staff or by outside consultants, such as computer expert, Mr. John W. Weil, or Dr. John A. Finger,

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Jr., are *illustrations of means or partial means to that end.*¹ The defendants are encouraged to use their full "know-how" and resources to attain the *results* above described, and thus to achieve the constitutional end by any means at their disposal. The test is not the method or plan, but the *results*.

17. The choice or approval or partial approval of any proposed desegregation plan is subject to all the requirements and restrictions of the preceding sixteen paragraphs, as well as to any later requirements or restrictions set out in this order.

18. Subject to the above, the Board's pupil assignment plan for senior high school pupils is approved, with one

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1. The following are exhibits to this order:
 - A. The Board's map of proposed senior high school attendance zones.
 - B. The Board's list of proposed senior high school populations.
 - C. The Board's map of proposed junior high school attendance zones.
 - D. The Board's list of proposed junior high school populations.
 - E. Dr. Finger's map of proposed junior high school attendance zones.
 - F. Dr. Finger's list of proposed junior high school populations.
 - G. The Board's map of proposed elementary school attendance zones.
 - H. The Board's list of proposed elementary school populations.
 - I. Dr. Finger's map of proposed elementary school attendance zones.
 - J. Dr. Finger's list of proposed elementary school populations.
 - K. Dr. Finger's list of pairing and grouping of elementary schools and grades.

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exception. This exception is that black students, some 300 in number, should be assigned from map grids 294D, 295C, 295D, and 318A, to attend Independence High School.

19. Although the Board junior high school plan is inferior in design and results to Dr. Finger's plan, it is a purely "home grown" product and the court would like to approve it, if it can be brought into compliance with law by desegregating Piedmont Junior High School, and by adding transportation as above indicated, and by increasing the black attendance at several outlying schools. The Board may if it wishes consider (1) re-zoning; (2) two-way transporting of pupils between outlying schools and Piedmont; (3) closing Piedmont and assigning the pupils to Albemarle Road, Carmel, McClintock and Quail Hollow. Unless the court has been notified in writing by noon of February 6, 1970, of an affirmative decision adopting one of these choices by formal Board action, the junior high schools are directed to be desegregated according to Dr. Finger's plan, as illustrated by exhibits E and F.

20. The Board's plan for elementary schools, illustrated by exhibits G and H, cannot be approved because (1) it retains nine schools 83% to 100% black, serving over half the black elementary pupils, and (2) it leaves approximately half the 31,500 white elementary students attending schools that are 86% to 100% white; and (3) it promises to provide little or no transportation in aid of desegregation, even though the plan's zones in some cases are apparently five or six miles long. The Board plan for elementaries openly rejects the duty to eliminate all the black schools.

The Finger plan uses many of the same basic attendance lines as the Board plan; however, it does not stop short of

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the constitutional requirements, and by pairing and clustering groups of schools it achieves full desegregation of the elementary schools. The school staff worked out the details of this plan and are familiar with it. Its attendance zones are illustrated on the map, exhibit I; its elementary school populations are listed in exhibit J; and the pairing and grouping of the outlying and inner-city schools, grade by grade, are shown in detail on exhibit K. Subject to the qualifications previously stated, the Board is directed to follow the Finger plan with reference to elementary schools.

21. **THE TIME TABLE:** Deadlines to complete various phases of the program required in this order are as follows:

SENIOR HIGH SCHOOLS.—Seniors may remain in their present schools until the end of the school year; the Board may make any decision they deem wise about allowing seniors to transfer before graduation to schools where their race will be in the minority. *Eleventh and tenth graders* will be transferred to their new schools not later than the 4th day of May, 1970.

JUNIOR HIGH SCHOOLS (Grades 7, 8, 9).—Complete desegregation shall be accomplished not later than the 1st day of April, 1970.

FACULTY.—Complete desegregation of the various faculties shall be accomplished by the various times set out above for desegregation of the student bodies.

22. **MODIFICATIONS.**—The intention of this order is to put on the Board the full duty to bring the schools into compliance with the Constitution as above outlined, but to leave maximum discretion in the Board to choose methods that will accomplish the required result. However, it is directed

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that leave of court be obtained before making any material departure from any specific requirement set out herein. The court will undertake to rule promptly on any such requests for deviation from prescribed methods.

23. APPEAL.—The court claims no infallibility and does not seek to prevent appeal from all or any part of this order, and will allow the making of any record needed to present on appeal any contention the parties desire to make, and will do what this court can to expedite such appeal. However, in accordance with *Whittenberg v. Greenville, supra*, this order will not be stayed pending appeal, and immediate steps to begin compliance are directed.

24. All evidence in the cause and all findings and conclusions in previous orders which support or tend to support this order are relied upon in support of this order.

25. Jurisdiction of this cause is retained for further orders.

This the 5th day of February, 1970.

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James B. McMillan
United States District Judge

The Charlotte-Mecklenburg Schools

DESEGREGATION PLAN for 1970-71

Exhibit B

Senior High Schools

School	1970-71 Capacity		1969-70				Board Plan			
	Base	+20%	B	W	T	%B	B	W	T	%B
East Mecklenburg	1700	2040	215	1925	2140	10%	360	1716	2076	17%
Garinger	1874	2249	492	2148	2640	18%	721	1914	2635	27%
Harding	1202	1442	612	720	1332	45%	395	692	1087	36%
Independence	1047	1256	101	1111	1212	9%	23	1241	1264	2%
Myers Park	1679	2015	224	1767	1991	12%	426	1883	2309	18%
North Mecklenburg	1158	1390	446	1185	1631	28%	440	998	1438	31%
Olympic	807	968	351	512	863	41%	201	687	888	23%
South Mecklenburg	1523	1828	90	2024	2114	5%	482	1846	2328	21%
West Charlotte	1593	1912	1641	0	1641	100%	597	1045	1642	36%
West Mecklenburg	1374	1649	141	1444	1585	9%	494	998	1492	33%
Total	13,957	16,749	4,313	12,836	17,149		4,139	13,020	17,159	

The Charlotte-Mecklenburg Schools

Exhibit D

DESEGREGATION PLAN for 1970-71

Junior High Schools

School	1970-71 Capacity		1969-70				Board Plan			
	Base	+20%	B	W	T	%B	B	W	T	%B
Albemarle Road	948	1138	63	995	1058	5%	19	753	772	2%
Alexander	874	1049	328	761	1089	30%	303	698	1001	30%
Cochrane	1190	1428	72	1544	1616	5%	571	1150	1721	33%
Coulwood	704	845	101	770	871	12%	313	551	864	36%
Eastway	1093	1312	61	1356	1417	4%	375	971	1346	28%
Alexander Graham	996	1194	101	1028	1129	8%	261	888	1149	23%
Hawthorne	850	910	550	472	1022	54%	276	704	980	28%
Kennedy	801	961	802	9	811	99%	325	510	835	39%
McClintock	923	1100	84	1288	1372	6%	25	1048	1073	2%
Northwest	1068	1282	1032	1	1033		296	675	971	30%
Piedmont	631	757	408	55	463	89%	758	84	842	90%
Quail Hollow	1238	1486	129	1421	1550	9%	138	1144	1282	11%
Randolph	972	1170	279	710	989	28%	307	683	990	31%
Ranson	851	1021	246	548	794	31%	295	558	853	35%
Sedgefield	777	930	167	809	976	17%	234	612	846	28%
Smith	1093	1312	51	1436	1487	4%	330	957	1287	26%
Spaugh	826	1091	262	839	1101	24%	346	752	1098	32%
Williams	801	967	1081	0	1081	100%	336	722	1058	32%
Wilson	1044	1253	60	1145	1205	5%	346	795	1141	30%
Carmel	558	670					2	555	557	0%
J. H. Gunn (Wilgrove)	558	670					49	470	519	9%
Total	18,796	22,546	5,877	15,187	21,064		5,905	15,280	21,185	

DESEGREGATION PLAN for Charlotte-Mecklenburg Schools

Junior High Schools

School	1970-71 Capacity		1969-70				Court Consultant Plan			
	Base	+20%	B	W	T	%B	B	W	T	%B
Albemarle Road	948	1135	63	995	1058	5%	292	696	988	30%
Alexander	874	1049	328	761	1089	30%	335	690	1025	33%
Cochrane	1190	1423	72	1544	1616	5%	370	964	1354	27%
Coulwood	704	845	101	770	971	12%	245	568	813	30%
Eastway	1093	1312	61	1356	1417	4%	351	839	1190	30%
Alexander Graham	996	1194	101	1028	1129	8%	359	938	1297	28%
Hawthorne	850	910	550	472	1022	54%	290	677	967	30%
Kennedy	801	961	802	9	811	99%	184	606	790	23%
McClintock	923	1100	84	1288	1372	6%	386	925	1311	30%
Northwest	1068	1282	1032	1	1033		336	736	1072	31%
Piedmont	631	757	408	55	463	89%	243	538	781	32%
Quail Hollow	1238	1486	129	1421	1550	9%	339	1050	1359	25%
Randolph	972	1170	279	710	989	28%	402	832	1234	33%
Ranson	851	1021	246	548	794	31%	264	583	847	31%
Sedgefield	777	930	167	809	976	17%	171	641	812	21%
Smith	1093	1312	51	1436	1487	4%	350	929	1279	27%
Spaugh	826	1091	262	339	1101	24%	324	807	1131	29%
Williams	801	967	1081	0	1081	100%	308	727	1035	30%
Wilson	1044	1253	60	1145	1205	5%	230	570	800	29%
Carmel	558	670					142	444	586	24%
J. H. Gunn	558	670					49	475	524	9%
Total	18,796	22,546	5,877	15,187	21,064		5,970	15,255	21,225	

DESEGREGATION PLAN for 1970-71

Elementary Schools

School	1970-71 Capacity		1969-70 *				Board Plan			
	Base	+12%	B	W	T	%B	B	W	T	%B
Albemarle Rd.	432	484	4	510	514	1%	4	469	473	1%
Allenbrook	540	605	61	452	513	12%	59	496	555	11%
Ashley Park	621	696	27	574	601	4%	155	421	576	27%
Bain	702	786	33	735	768	4%	25	706	731	3%
Barringer	486	544	843	16	859	98%	203	320	523	39%
Berryhill	836	936	98	639	737	13%	247	574	821	30%
Beverly Woods	540	605	68	684	752	9%	8	648	656	1%
Sillinsville	594	665	596	0	596	100%	113	325	438	26%
Briarwood	540	605	6	680	686	1%	2	663	665	0%
Bruns Ave.	675	756	759	10	769	99%	624	73	697	90%
Chantilly	432	484	0	472	472	0%	142	303	445	32%
Clear Creek	324	363	48	229	277	17%	43	266	309	14%
Collinswood	621	696	111	443	554	20%	224	448	672	33%
Cornelius	459	514	181	235	416	44%	182	265	447	41%
Cotswold	540	605	23	537	560	4%	128	449	577	24%
Davidson	324	363	104	186	290	36%	102	174	276	32%
Marie Davis	756	847	662	0	662	100%	666	82	748	88%
Derita	783	877	150	678	828	18%	152	595	747	20%
Devonshire	648	726	0	903	903	0%	0	925	925	0%
Dilworth	648	726	90	317	407	22%	241	376	617	39%
Double Oaks	675	756	836	0	836	100%	825	3	828	100%
Druid Hills	486	544	472	3	475	99%	465	20	485	96%
Eastover	648	726	42	559	601	7%	157	478	635	25%
Elizabeth	405	454	314	125	439	72%	112	294	406	28%
Enderly Park	513	575	3	371	374	1%	119	238	357	33%

* Not including Special Education in self-contained classes

DESEGREGATION PLAN for 1970-71

Elementary Schools

School	1970-71 Capacity		1969-70				Board Plan			
	Base	+12%	B	W	T	%B	B	W	T	%B
First Ward	702	786	805	0	805	100%	770	7	777	99%
Hickory Grove	459	514	70	533	603	12%	74	556	630	12%
Hidden Valley	648	726	0	1100	1100	0%	1	1077	1078	0%
Highland	297	333	69	305	374	18%	76	237	313	24%
Hoskins	297	333	13	212	225	6%	124	219	343	36%
Huntersville	675	756	145	531	676	21%	130	554	684	19%
Huntingtowne Farms	594	665	7	603	610	1%	3	614	617	0%
Idlewild	567	635	47	581	628	7%	59	549	608	10%
Irwin Ave.			292	0	292	100%	*			
Amay James	378	423	462	3	465	99%	90	169	259	35%
Lakeview	378	423	346	89	435	80%	119	285	404	29%
Lansdowne	756	847	75	802	877	9%	79	719	798	10%
Lincoln Heights	648	726	711	0	711	100%	903	6	909	99%
Long Creek	702	786	267	468	735	36%	259	523	782	33%
Matthews	945	1058	86	802	888	10%	81	837	918	9%
Merry Oaks	486	544	0	442	442	0%	0	557	557	0%
Midwood	459	514	9	437	446	2%	116	401	517	23%
Montclair	675	756	0	718	718	0%	1	781	782	0%
Myers Park	432	484	22	444	466	5%	150	314	464	32%
Nations Ford	621	696	43	669	712	6%	177	548	725	24%
Newell	594	665	74	438	512	14%	64	436	500	13%
Oakdale	540	605	69	517	586	12%	202	460	662	31%
Oakhurst	594	665	5	616	621	1%	92	504	596	15%
Oaklawn	594	665	584	0	584	100%	597	3	600	99%
Olde Providence	540	605	80	512	592	14%	83	461	544	15%

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*distributed to surrounding schools

DESEGREGATION PLAN for 1970-71

Elementary Schools

School	1970-71 Capacity		1969-70				Board Plan			
	Base	+12%	B	W	T	%B	B	W	T	%B
Park Road	540	605	44	548	592	7%	41	571	612	7%
Paw Creek	594	665	27	609	636	4%	83	602	685	12%
Paw Creek Annex	270	302	30	271	301	10%				
Pineville	486	544	136	356	492	28%	123	379	502	25%
Pinewood	648	726	0	674	674	0%	0	900	900	0%
Plaza Road	459	514	80	340	420	19%	181	350	531	34%
Rama Road	648	726	1	815	816	0%	3	744	747	0%
Sedgefield	540	605	3	548	551	1%	223	364	587	38%
Selwyn	486	544	31	617	648	5%	32	459	491	7%
Shamrock Gardens	486	544	0	515	515	0%	84	496	580	15%
Sharon	459	514	72	361	433	17%	91	421	512	18%
Starmount	648	726	25	712	737	3%	67	833	900	7%
Statesville Road	648	726	333	522	855	39%	160	553	713	23%
Steele Creek	378	423	5	509	514	1%	195	475	670	29%
Thomasboro	729	816	0	690	690	0%	135	777	912	15%
Tryon Hills	486	544	309	164	473	65%	200	342	542	37%
Tuckaseegee	540	605	58	578	636	9%	57	510	567	10%
University Park	648	726	825	1	826	100%	735	132	867	85%
Villa Heights	810	907	902	83	985	92%	877	170	1047	83%
Westerly Hills	405	454	46	539	585	8%	144	332	476	30%
Wilmore	378	423	222	210	432	51%	153	250	403	38%
Windsor Park	648	726	1	748	749	0%	1	782	783	0%
Winterfield	648	726	48	688	736	7%	52	653	705	7%
Total	40,391	45,239	13,010	31,278	44,288		12,885	31,523	44,408	

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DESEGREGATION PLAN for Charlotte-Mecklenburg Schools

Elementary Schools

School	1970-71 Capacity		1969-70				Court Consultant Plan			
	Base	+20%	B	W	T	%B	B	W	T	%B
Albemarle Rd.	432	434	4	510	514	1%	162	338	500	32%
Allenbrook	540	605	61	452	513	12%	135	341	476	23%
Ashley Park	621	696	27	574	601	4%	175	426	601	29%
Bain	702	786	33	735	763	4%	25	706	731	3%
Barringer	486	544	843	16	859	98%	203	320	523	39%
Berryhill	836	936	93	639	737	13%	247	574	821	30%
Beverly Woods	540	605	68	684	752	9%	186	446	632	29%
Billingsville	594	665	596	0	596	100%	113	325	438	26%
Briarwood	540	605	6	620	686	1%	256	479	735	35%
Bruns Avenue	675	756	759	10	769	99%	252	540	792	32%
Chantilly	432	484	0	472	472	0%	142	333	475	30%
Clear Creek	324	363	48	229	277	17%	43	266	309	14%
Collinswood	621	696	111	443	554	20%	224	406	630	36%
Cornelius	459	514	181	235	416	44%	182	265	447	41%
Cotswold	540	605	23	537	560	4%	128	404	532	24%
Davidson	324	363	104	136	290	36%	102	174	276	32%
Marie Davis	756	847	662	0	662	100%	193	532	725	27%
Derita	783	877	150	678	828	18%	167	625	792	21%
Devonshire	643	726	0	903	903	0%	333	624	957	35%
Dilworth	643	726	90	317	407	22%	241	376	617	39%
Double Oaks	675	756	836	0	836	100%	234	496	730	32%
Druid Hills	486	544	472	3	475	99%	158	303	461	34%
Eastover	648	726	42	559	601	7%	157	445	602	26%
Elizabeth	405	454	314	125	439	72%	132	304	436	30%
Enderly Park	513	575	3	371	374	1%	150	270	420	36%

DESEGREGATION PLAN for Charlotte-Mecklenburg Schools

Elementary Schools

School	1970-71 Capacity		1969-70				Court Consultant Plan			
	Base	+20%	B	W	T	%B	B	W	T	%B
First Ward	702	736	805	0	805	100%	265	686	951	28%
Hickory Grove	459	514	70	533	603	12%	272	439	711	38%
Hidden Valley	643	726	0	1100	1100	0%	310	679	959	31%
Highland	297	333	69	305	374	18%	76	237	313	24%
Hoskins	297	333	13	212	225	6%	139	244	333	26%
Huntersville	675	756	145	531	676	21%	130	554	684	19%
Huntingtowne Farms	594	665	7	503	610	1%	205	414	610	33%
Idlewild	567	635	47	581	623	7%	190	410	600	32%
Irwin Avenue			292	0	292	100%	*			
Amay James	373	423	462	3	465	99%	105	194	299	35%
Lakeview	378	423	346	39	435	90%	139	280	419	33%
Lansdowne	756	847	75	502	877	9%	207	496	703	29%
Lincoln Heights	648	726	711	0	711	100%	241	456	697	35%
Long Creek	702	786	267	468	735	36%	259	523	782	33%
Matthews	945	1058	36	302	880	10%	31	837	913	9%
Nerry Oaks	486	544	0	442	442	0%	106	236	342	31%
Midwood	459	514	9	437	446	2%	116	440	562	21%
Montclair	675	756	0	718	718	0%	250	504	784	36%
Myers Park	432	484	22	444	466	5%	150	445	595	25%
Nations Ford	621	696	43	669	712	6%	177	582	759	23%
Newell	594	665	74	438	512	14%	74	546	620	12%
Oakdale	540	605	69	517	586	12%	250	460	710	35%
Oakhurst	594	665	5	616	621	1%	197	534	731	27%
Oaklawn	594	665	584	0	584	100%	226	594	820	28%
Olde Providence	540	605	80	512	592	14%	145	351	496	29%

* Assigned from area to increase desegregation
 Oakhurst 105B
 Shamrock Gardens 90B
 Thomasboro 95B

DESEGREGATION PLAN (Cont'd)

Elementary Schools

School	197071 Capacity		1969-70				1969-70			
	Base	+20%	B	W	T	%B	B	W	T	%B
Park Road	540	605	44	548	592	7%	148	359	507	29%
Paw Creek	594	665	27	609	636	4%	160	395	555	29%
Paw Creek Annex	270	302	30	271	301	10%	83	209	292	28%
Pineville	486	544	136	356	492	28%	123	379	502	25%
Pinewood	648	726	0	674	674	0%	283	697	980	29%
Plaza Road	459	514	80	340	420	19%	181	350	531	34%
Rama Road	648	726	1	815	816	0%	273	493	766	36%
Sedgefield	540	605	3	548	551	1%	223	364	587	38%
Selwyn	486	544	31	617	648	5%	150	309	459	33%
Shamrock Gardens	486	544	0	515	515	0%	174	511	685	25%
Sharon	459	514	72	361	433	17%	123	245	368	33%
Starmount	648	726	25	712	737	3%	217	441	658	33%
Statesville Road	648	726	333	522	855	39%	160	553	713	23%
Steele Creek	378	423	5	509	514	1%	195	475	670	29%
Thomasboro	729	816	0	690	690	0%	230	770	1000	23%
Tryon Hills	486	544	309	164	473	65%	107	262	369	29%
Tuckasegee	540	605	58	578	636	9%	119	300	419	28%
University Park	648	726	825	1	826	100%	260	461	721	36%
Villa Heights	810	907	902	83	985	92%	265	668	933	28%
Westerly Hills	405	454	46	539	585	8%	144	332	476	30%
Wilmore	378	423	222	210	432	51%	153	250	403	38%
Windsor Park	648	726	1	748	749	0%	272	561	833	33%
Winterfield	648	726	48	688	736	7%	261	537	798	33%
Total	40,391	45,239	13,010	31,278	44,288		12,964	31,386	44,370	

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ELEMENTARY SCHOOLS TO BE PAIRED

Present School No Count	1 - 4		5 - 6		Total Pupils
	B	W	B	W	
Albemarle Road	2	338	2	174	516
Allenbrook	0	341	0	156	497
Beverly Woods	1	446	1	249	697
Briarwood	4	477	2	220	703
Bruns Avenue	526	0	246	0	772
Marie Davis	431	59	193	26	709
Devonshire	0	624	0	276	900
Double Oaks	585	2	232	0	819
Druid Hills	310	2	158	1	471
First Ward	533	0	262	0	795
Hickory Grove	54	329	16	208	607
Hidden Valley	0	677	0	302	979
Huntingtowne Farms	0	414	0	195	609
Idlewild	0	410	0	163	573
Lansdowne	2	496	1	291	790
Lincoln Heights	456	0	239	0	695
Merry Oaks	0	236	0	119	355
Montclair	0	504	0	217	721
Oaklawn	405	0	193	0	598
Olde Providence	2	351	1	146	500
Park Road	0	300	0	160	460
Paw Creek	16	395	11	214	636
Paw Creek Annex	27	209	3	53	292
Pinewood	0	697	0	346	1043
Rama Road	3	493	0	244	740
Selwyn	0	284	0	188	472
Sharon	0	245	0	117	362
Starmount	19	441	6	228	594
Tryon Hills	218	110	91	54	473
Tuckaseegee	49	300	19	171	539
University Park	550	0	260	0	810
Ville Heights	683	114	264	48	1109
Windsor Park	0	515	1	233	749
Winterfield	0	494	0	199	693
Total	4,876	10,303	2,201	4,998	22,378

Exhibit K.

The Charlotte-Mecklenburg Schools

ELEMENTARY SCHOOLS PAIRED

Grade 1-4

Grade 5-6

SchoolsSchools

	B	W	T	%		B	W	T	%
Huntingtowne Farms Sharon Starmount	545	1100	1645	33	Bruns Avenue	252	540	792	32
Park Road Pinewood	431	1056	1487	29	Marie Davis	193	532	725	27
Briarwood Devonshire	589	1103	1692	35	Double Oaks	234	496	730	32
Hidden Valley	310	679	989	31	Druid Hills	158	303	461	34
Leverly Woods Lansdowne Olde Providence	538	1293	1831	29	First Ward	265	606	951	28
Albemarle Road Dlewild Lerry Oaks	458	984	1442	32	Lincoln Heights	241	456	697	35
Allenbrook Law Creek Law Creek Annex Luckaseegee	497	1245	1742	29	Oaklawn	226	594	820	28
Hickory Grove	272	439	711	38	Tryon Hills	107	262	369	29
Montclair Lama Road	553	997	1550	36	University Park	260	461	721	36
Delwyn Windsor Park Interfield	683	1407	2090	33	Villa Heights	265	668	933	28
Total	4,876		15,179			2,201		7,199	
		10,303					4,998		

**Amendment, Correction or Clarification of Order
of February 5, 1970 dated March 3, 1970**

Paragraph 7 of the February 5, 1970, order read in part as follows:

“7. That transportation be offered on a uniform non-racial basis to all children whose attendance in any school is necessary to bring about the reduction of segregation, and who live farther from the school to which they are assigned than the Board determines to be walking distance. Estimates of the number of children who may have to be transported have run as high as 10,000 or more.”

Since February 5, estimates have been made by defendants that paragraph 7 would require transporting more than 23,000 pupils rather than 10,000 to 14,000, as estimated at the hearing. Upon reviewing the evidence introduced since that hearing, it appears that these higher estimates may be based on construing the above language of paragraph 7 so as to require an offer of transportation to all children who live more than 1½ miles from their school, including city children who are not now entitled to transportation. These, according to the testimony, may number as many as 13,000.

The court regrets any lack of clarity in the order which may have given rise to this interpretation. Paragraph 7 was never intended to require transportation beyond that now provided by law for city children who are not reassigned, nor for those whose reassignments are not required by the desegregation program.

Accordingly, paragraph 7 of the February 5, 1970 order is amended by deleting the words “attendance in any school” and inserting the words “reassignment to any school,” in the first sentence.

This the 3rd day of March, 1970.

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