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May 9, 2008

Ms. Kym Davis Rogers
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Avenue, N.W.
Patrick Henry Building
Washington, D.C. 20530

Re: Proposed Grade Assignments for Compliance with Court Order
McFerren and United States v. County Board of Education of Fayette County
C.A. 65-136 DJ 169-72-3

Dear Ms Rogers,

I spoke with you toward the end of February about your Jan. 28 letter to Superintendent Myles Wilson regarding various failures in compliance with the desegregation orders. At that time I promised to email you some materials that I had gathered regarding the county school system. I apologize for my failure to follow-up on that promise and will make good on it in the very near future.

Today I am writing to you regarding the proposed grade assignments for Fayette County for the 2008-2009 school year. There are several factors which have bearing on this matter that you may not be aware of and/or may find worthy of consideration in your evaluation of the School Board's proposal.

1. Imminent Purchase of Bus Routing and Boundary Planning Software

On March 25th the Fayette County Board of Commissioners approved the purchase of software from Edulog to handle bus routing and to perform boundary planning for the school district. Due to delays in the bid process, the anticipated summer implementation schedule will not work out, but the system should be operational next fall.

Once this software is available, the county will have a sophisticated tool available to analyze school zones and develop a rational, fact-based plan for adjusting school boundaries and school configurations, as well as assessing the need for and the location of new schools and/or expansions to existing schools.

The use of this software will be a joint effort between the county's planning office and the Board of Education to insure that it is used to maximum benefit.

The Edulog software is the same product that Tipton County, our neighboring county to the northwest, was mandated to use for compliance with its court-ordered desegregation plan.

2. Development and Approval of the Proposed Grade Assignments

At its meeting last Thursday, the School Board approved the Proposed Grade Assignments which are being forwarded to you for your approval.

The proposal was developed by the staff and was presented to the Board at the meeting. No explanation as to how the proposal was developed was given. No numbers were shown to demonstrate how these school/grade assignments will impact the racial balance in the schools.

Superintendent Wilson commented that you had complained about the wasted space at East Junior High School and that the shift of the sixth grade there would address that issue. He also noted that Somerville Elementary was ordered to be closed in 1975 and that the consolidation of it with Jefferson into a totally new school would comply with the closure order.

One board member remarked that waiting until the bus routing software was available to assist with changes seemed like a more reasonable approach for addressing your concerns. This board member was the only one who declined to approve the proposal. His comment was responded to by another board member who said that a solution had to be submitted by May 15, thus using the software was not an option.

Since the meeting, I have spoken with another board member who told me that he had never seen the proposal before the meeting that night.

This proposal has the appearance of being an ill-considered rush to judgment. It may also be designed to further certain agendas that I will discuss in another section.

3. Disruption of Students and Unnecessary Transportation Burdens

This proposal calls for the following location changes next August:

- a. The sixth graders from all elementary schools with the exception of those from Oakland, who were moved at the beginning of this year to West Junior High, will be moved to East or West Junior High.
- b. The Oakland fourth graders and the fifth graders who would have gone to West Junior High will instead go south to Southwest.
- c. The Southwest Pre-K through third graders will go north to Oakland Elementary.

These changes mean that almost all of those children will be subjected to much longer bus rides. In particular, the little ones at Southwest will be on the road approximately seven more miles each way. The sixth graders will have additional travel time at least one year sooner than necessary.

Beginning next August children at Oakland will always have to transition to new schools three times instead of two under this proposal.

The significant and widespread increase in travel times that this proposal will impose is not only an undue burden on the children; it will put more wear and tear on the county's buses, as well as requiring more fuel at a time when every effort should be directed toward reducing fuel cost and usage. The fuel impact alone makes this proposal both economically and environmentally irresponsible.

4. No Demonstrated Need for a New School and Questionable Site

For several years it has been the agenda of the School Board and the Superintendent to build one or more new schools. Developers and the Oakland mayor have joined in this push which has included several proffers of "free land" for a school site.

Most recently, a developer has offered, and the Board has accepted as of last Thursday, land for the site of a new elementary school on Warren Road just north of Highway 64. This site is located in the southwest corner of the Somerville Elementary zone.

Replacing Somerville Elementary and Jefferson Elementary with a school at this location will add over five miles to the one-way travel distance for all children east of Somerville Elementary and over seven miles for all children north of Jefferson. These two school zones cover the north and northwest portions of the county. Why would a replacement school be sited right on the Oakland boundary line? Did anyone look at the zone map when they came up with this plan or was it invented to accommodate the offer of "free land" on Warren Road?

Despite growth in the county, attendance in the county's school system has not increased proportionally. There are a number of reasons for this, including empty nesters, high-end housing that prefers private schools, increased home schooling, and the relatively low quality of the public education system. The projected utilization of existing schools under the proposal comes out to 71.5 percent, which is comparable to the 70.9 percent utilization for attendance in December 2006.

To date the County Commission, which holds the purse strings, has found no evidence that a new school is indicated. In addition, several schools can be expanded which is a more attractive alternative to several Commissioners when the need for more capacity does arise.

5. Possible New Charter or Private School

The Mayor of Pipeston, a fast-growing town in the southwest corner of the county, is actively researching the requirements for establishing a charter elementary school in the town. If a charter school does not prove feasible, a private school might be established there.

A new school in this area of the county, particularly a charter school, would have an impact on the demand for public school facilities and needs to be considered in the planning process.

6. Analysis of Alternative School Configurations

Fayette County had a K-8 configuration in all of its elementary schools up until the 2002-2003 school year when the two new middle schools came on line.

Last spring I did some research into the K-8 configuration. I spoke with a representative in the state's curriculum department who told me that K-8 was definitely still in use and becoming popular again. She said that her personal preference was for K-8 because it necessitates only one transition to another school for students.

The boundary planning software will give the county the ability to analyze the impact of restoring a K-8 configuration to the elementary schools. On the surface this configuration looks like it will offer several advantages: shorter travel times for seventh and eighth graders, less fuel usage, less wear and tear on buses, and one school transition for all students. The software will provide the ability to assess the impact on school attendances and racial balance, as well as to fine tune boundary lines.

Other types of configurations would also need to be investigated with the software.

If there is a monumental shifting of grades in August, the county will be deprived of the opportunity to implement K-8 or some other configuration. It simply would not be humane to move sixth graders to a new school one year then turn around and move those same students back the next year.

Sadly, the chance to apply a logical thought process to the organization of the county's school system will have been lost solely because the tool to implement the process arrived a couple of months too late.

7. Abuse of the Desegregation Order

The court-ordered desegregation plan has been an excuse that the Superintendent and the School Board have used repeatedly to justify their actions or to reject suggestions. The habitual litany has been either "we can't move boundary lines" or "the court order won't allow that."

The shame of it is some very courageous citizens fought hard for years to get that court order in place. The current School Board has hidden behind the court order, ignored it, and perpetuated a school system that looks very much like the one that existed in the late sixties. The buildings and the toilets are vastly improved to be sure, but the poor quality of education remains and does not serve black or white students.

The 105 students transferred out of zone to Oakland Elementary explain immediately why the school was overcrowded. The preponderance of those transfers had nothing to do with No Child Left Behind. They were flagrant violations of the court order and of the Board of Education's own transfer policies.

Superintendent Wilson was quoted in the Memphis Commercial Appeal this week as saying, "I think schools work best when they are not all black and all white." Unfortunately, the reporter didn't ask him to explain why Southwest Elementary was 93.8 percent black last year and 97.1 percent black the year before.

The grade assignment proposal looks to me like a ploy to set the county up for building a new school, whether needed or not, by claiming "the court order requires it." Beyond that, I cannot see the method in the madness of the massive grade shifting other than perhaps an effort to get the Justice Department off their backs so they can return to business as usual.

8. School Board Election

On August 7 seven of the nine positions on the School Board will be up for election. Two of these are to serve out two-year terms for members who have resigned.

Public interest in the election is very high. This is a direct result of the grief caused by the unnecessary overcrowding at Oakland Elementary that came to a head last year and the Board's mishandling of the problem. Other Board actions and inactions have also contributed. The Board has ignored repeated requests from parents to institute a registration process in lieu of letting students just show up on the first day at whatever school they like with no proof of residency. Contractual and court-ordered requirements have also been ignored, even after they have been brought to the Board's attention.

There is a distinct possibility that the majority on the Board may shift from the long-standing one that unquestioningly rubberstamps the wishes of the Superintendent to a new one that requires accountability, takes an analytical approach to problems, and aggressively seeks to improve the quality of our public schools.

I apologize for my bluntness on some of these issues. Having watched this group operate for several years and having dug into many of the facts behind their offences, I have tried to cut to the chase and give you a snapshot of where things currently stand in the county.

As I see it, the school system is poised to make some serious progress. With the advent of the new software and the possibility of changing the Board majority both only a few short months away, the timing for a sweeping change in grade assignments couldn't be worse.

I know your job is to compel compliance with the court order. I completely agree with that effort. However, I see the primary goal of the court order as being a better education for all our children.

I truly believe this grade assignment proposal is not based on sound data, has not been well thought out, and will undermine rather than improve our school system.

If children spend more time bouncing around the county on buses, their quality of life will be diminished and they won't be any smarter for it. If the county is forced to spend more dollars on transportation, then fewer dollars will go into education with no meaningful benefit having been gained. If possibilities for improvement to the school system are precluded by hasty, ill-conceived choices, then the entire community loses.

I ask you to consider rejecting the School Board's proposal and giving the county one more year to develop a comprehensive school plan based on rigorous analysis and extensive review. If a grace period is permitted, I would hope that monthly or quarterly progress reports to you will be required.

Thank you for your time and for your efforts on behalf of the children of Fayette County.

Sincerely,

Dana Pittman

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Attached: Grade Assignments Proposal approved by School Board on May 1, 2008
Chart of Proposed Grade Assignments and Capacity prepared by Dana Pittman
Commercial Appeal article with parent comments, published May 7, 2008
Map of Fayette County Elementary School Districts
(Detailed map may be found at download link in lower right corner of <http://fayettetn.us>)