

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

Joan ANDERSON, et al.,
Plaintiffs,
and
UNITED STATES OF AMERICA,
Plaintiff-Intervenor,
v.
MADISON COUNTY SCHOOL
DISTRICT, et al.,
Defendants.

Civil Action No. 3700

ORDER ESTABLISHING BI-RACIAL ADVISORY COMMITTEE

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. As provided for in the April 24, 2000 Consent Order approved by this Court, atPart VI., an independent Bi-racial Advisory Committee is established 'to advise the Superintendent and the Board of Education on matters dealing with implementation of and proposed modification to the desegregation orders of this Court.'
2. The following persons, who were nominated by the parties to this action, are hereby appointed to serve on the Bi-Racial Advisory Committee for the term of years indicated following each member's name:

Black Members

Carnell Bolden (2 years)
Danny Chandler (4 years)
Erma Cole (3 years)
Lee Ethel Thompson (1 year)

White Members

David Byrd (1 year)
Faye James (4 years)
Bryan McDonald (2 years)
Janice Sandefur (3 years)

3. Counsel for the parties shall jointly appear before the committee at its initial meeting to explain the Committee's role and to answer any questions.

4. Part VI of the April 24, 2000 Consent Decree in this case, at pages 8- 9, shall be amended so that the term of each of the original members of the Bi-Racial Advisory Committee shall commence at the first formal meeting to be held in December 2000, and shall run until June 30th of each year for the specified number of years of each member's term. Thereafter, new members shall serve staggered terms of four (4 years from July 1 to June 30.

5. Part VI of the April 24, 2000 Consent Decree in this case, at pages 8- 9, shall be further amended to include the attachment hereto which sets forth the operational guidelines and procedures for the operation of the Bi-Racial Advisory Committee as agreed upon by the parties.

SO ORDERED this ____ day of December; 2000.

TOM S. LEE
CHIEF JUDGE, UNITED STATES DISTRICT COURT

**OPERATING GUIDELINES AND PROCEDURES
FOR BI-RACIAL ADVISORY COMMITTEE**

(Anderson, et al. & United States v. Madison Counter School District April 24, 2000 Consent Order, Part VI, at pp. 8-9, as amended):

VI. BI-RACIAL ADVISORY COMMITTEE

The Court shall establish an independent bi-racial advisory committee to advise the Superintendent and the Board of Education on matters dealing with implementation of and proposed modification to the desegregation orders of this Court. Counsel for the parties shall jointly appear before the committee at its initial meeting to explain the committee's role and to answer questions.

The advisory committee shall consist of eight (8) members and shall be formed beginning with the school year 2000-2001. The parties-plaintiff shall appoint four (4) members, two (2) whites and two (2) blacks, to the committee. The District shall appoint four (4) members, two (2) whites and two (2) blacks, to the committee.

Members shall serve staggered four year terms. The initial committee shall have two members to serve a one year term, two to serve a two year term, two to serve a three year term, and two to serve a four year term. Terms shall begin on July 1 of each school year. No person shall be eligible to serve on this committee who is or has been a litigant against the District, is not a resident of the District, employee of the District, or is a member of the Board of Education of the District. All members of the committee shall, at the time their terms commence, be either parents or legal guardians of children enrolled in the MCSD public schools or residents of Madison County School District, and shall not be parents of children in local private or parochial schools. Counsel for the parties shall jointly appear before the committee at its initial meeting to explain the committee's role and to answer any questions. The committee shall select a chairperson to serve a term of one year. Thereafter, the Chair shall rotate annually between a black and white member.

The committee shall meet on a regular basis, but no less than five (5) times during school year 2000-2001, and at least three (3) times each year thereafter, pursuant to appropriate notice at a reasonable time and place to be determined by the committee. The committee shall maintain appropriate records and minutes of its meetings. The committee shall issue an annual written report to the District and the Court no later than June 30 of each year. Prior to its submission, the report shall be approved by a majority of the committee and signed by each of its members. The District shall supply the committee with reasonable staff support and assistance and information as the committee may reasonably request, including clerical assistance in the preparation of the committee's annual reports. At least annually, the Board of Education shall hold a public meeting with the committee.

I. DEFINITIONS:

*The Court shall establish an independent bi-racial advisory committee to advise the Superintendent and the Board of Education on matters dealing with implementation of and proposed modification to the desegregation orders of this Court.
(Consent Order, Part VI, paragraph 1, at p. 8)*

- **"establish"** = "set up"

Court formally establishes committee by entry of an order which identifies initial members by name, race, and length of initial term and, in most such orders, also includes a statement of operational guidelines and procedures

- **"independent"** = "neutral or uncommitted person/worker;"
"free from external control or constraint"

after bi-racial committee is formally established and given its charge, members do not act on behalf of any party to this case, but rather operate as a whole to consider the desegregation matters brought before the committee

- **"advisory"** = "giving advice; consultive; enlightening; illuminative; informative;"

not intended to supplant legal authority of the Superintendent and/or the Board, but to provide considered advice from the committee as to the desegregation matters brought before the committee

- **"dealing with implementation of and proposed modification to the desegregation orders of this Court"** =

These Orders are:

1. Consent Order.....April 24, 2000
2. Memorandum Opinion and Order.....September 21, 1999
3. Consent Judgment.....April 5, 1990
4. Consent Judgment.....December 15, 1989
5. Consent Decree.....August 5, 1988
6. Order.....November 1969

II. MAKE-UP OF COMMITTEE :

'The advisory committee shall consist of eight (8) members and shall be formed beginning with the school year 2000-2001. The parties-plaintiff shall appoint four (4) members, two (2) whites and two (2) blacks, to the committee. The District shall appoint four (4) members, two (2) whites and two (2) blacks, to the committee.'

(Consent Order, Part VI, paragraph 2, at p.8)

III. LENGTH OF TERM OF COMMITTEE MEMBERSHIP:

... 'Members shall serve staggered four year terms. The initial committee shall have two members to serve a one year term, two to serve a two year term, two to serve a three year term, and two to serve a four year term. Terms shall begin on July 1 of each school year.'

(Consent Order, Part VI, paragraph 2, at p. 8, as amended)

- Those initial Committee members who have a term of one year will end their term on June 30, 2001. The second year for the Bi-racial Advisory Committee will begin on July 1, 2001.

IV. ELIGIBILITY FOR COMMITTEE MEMBERSHIP:

... 'No person shall be eligible to serve on this committee who is or has been a litigant against the District, is not a resident of the District, employee of the District, or is a member of the Board of Education of the District. All members of the committee shall, at the time their terms commence, be either parents or legal guardians of children enrolled in the Madison County School District (MCSD) public schools or residents of the MCSD, and shall not be parents of children in local private or parochial schools.'

(Consent Order, Part VI, paragraph 2, at pp. 8-9, as amended)

V. OPERATION OF COMMITTEE:

A. Officers:

... 'The committee shall select a chairperson to serve a term of one year. Thereafter, the Chair shall rotate annually between a black and white member.'

(Consent Order, Part VL, paragraph 2, at p. 9)

- **Committee Chair:**
members of the Committee select a Chair at first meeting after formal establishment by Court, in December 2000
 - Duties:
 - conduct meetings of the Committee
 - act as liaison to Superintendent (or Supt.'s designee unless another Committee member is formally designated by the committee to act as its liaison
 - if Chair cannot attend a Committee meeting, or other function of Chair, assure that Vice-Chair (or other appropriate Committee designee is notified in advance in order to act in the place of the Chair
- **Vice-Chair:**
at first meeting after Committee is formally established by the Court, Committee shall select a Vice-Chair, who is not of the same race as the Chair
 - Duties:
 - acts in the absence or unavailability of the Chair in same capacity as Chair
- **Secretary:**
at first meeting after Committee is formally established by the Court, Committee shall select a Secretary
 - Duties:
 - takes minutes at each Committee meeting
 - maintains Committee records
 - acts as liaison to designated staffer in Supt.'s office re: any needed clerical assistance

B. Meetings:

... 'The committee shall meet on a regular basis, but no less than five (5) times during school year 2000-2001, and at least three (3) times each year thereafter, pursuant to appropriate notice at a reasonable time and place to be determined by the committee.'

(Consent Order, Part VL, paragraph 2, of p. 9)

- Time and Place of Meetings:
 - at the first meeting after formal establishment by the Court, each member of the Committee shall be asked his/her preference as to the time and place of regular meetings
- Meeting Room:

- District will make available a conference room at the Administrative Building in Flora; or, subject to availability on the desired date, a meeting room at any school facility in the District requested by the Committee Chair
- Meetings Not Public:
 - Committee is not a public body and is not required to comply with the state statutes regarding open meetings and public records
 - Committee must maintain confidentiality with regard to its work and its deliberations
- No Informal Meetings:
 - Committee shall not hold any informal meetings - only regular or called meetings with a majority of its members present
 - "Quorum" = six (6 of the eight (8 Committee members
- Committee Acts as a Whole:
 - Committee must act as a committee-of-the-whole unless the Committee agrees, by vote, to delegate specific responsibilities to a member or members
- Use of Roberts Rules:
 - Committee shall use Roberts Rules of Order in the conduct of its business at all meetings

C. Authority of Committee:

- Distinction Between Desegregation-Related Committee Action and MCSD Action:
 - It is not the function of the Committee to supplant MCSD policies and procedures regarding individual grievances. As a general matter, the Committee should not review such individual grievances and any such complainants should be required to exhaust appropriate administrative remedies as established by the MCSD. However, to the extent the Committee believes that any such action directly impacts upon the District's desegregation-related obligations, it may consider such complaints upon agreement of the Committee.
 - "Agreement" = simple majority vote
- No Enforcement Authority:
 - Committee shall not have enforcement authority, but shall bring its concerns to the attention of the Superintendent so that appropriate corrective action may be promptly taken
- Report to Court :
 - the Committee shall include in its written report to the Court and the Board a description of all such matters reported to the District, all such matters reported to the Committee by the District, and the Committee's understanding of the actions taken, if any

D. Role of Supt. Or MCSD Representative:

- Participation of Supt. or Representative in Meetings:
 - the presence of an official representative of the District shall not be required for the conduct of the Committee's business
- Obtaining Information from MCSD and Meeting w/Staff:

- the Committee or its members may meet with faculty or staff of the District as part of its duties, and/or obtain desegregation-related information in order to be more fully informed regarding matters dealing with implementation of and proposed modification to the desegregation orders of this Court, upon request to the Superintendent or his designee, and in a manner that shall not interfere with the normal operations of the schools.
- any arrangements for meetings with staff or requests for relevant desegregation data must be arranged by the liaison for the Committee with the Superintendent's office

E. Maintenance of Records:

*... 'The committee shall maintain appropriate records and minutes of its meetings.'
(Consent Order, Part VI., paragraph 2, of p. 9)*

- Storage of Records:
 - at its first formal meeting, the Committee may determine the manner in which its records will be maintained and where records will be stored

VI. ANNUAL COMMITTEE REPORT:

*... 'The committee shall issue an annual written report to the District and the Court no later than June 30 of each year. Prior to its submission, the report shall be approved by a majority of the committee and signed by each of its members. The District shall supply the committee with reasonable staff support and assistance and information as the committee may reasonably request, including clerical assistance in the preparation of the committee's annual reports.'
(Consent Order, Part VI., paragraph 2, at p. 9, as amended)*

A. Issuance of Report:

- Contents of Report:
 - Committee's report shall include an account of recommendations or concerns brought to the attention of the Superintendent or his staff and the Committee's understanding of the actions taken thereon, if any
 - Committee's report shall include an account of matters brought to the attention of the Committee by the Superintendent and the Committee's understanding of the actions taken thereon, if any
- Submission to Superintendent:
 - Committee's annual report shall be submitted to the Superintendent in final form at least fifteen (15 working days prior to its release so that any comments or explanations by the Superintendent on behalf of the District may be prepared in a separate response
- Submission of Report(s and Response):
 - the Committee's annual report, the District's response, if any, and any minority reports or supplemental filings shall be delivered or mailed to the members of the

Board of Trustees, the Court, and counsel for the parties, by counsel for the MCSD, and it shall be made available to the public

B. Clerical Assistance:

- *Number of Copies:* copies of annual report photocopied shall not exceed fifty (50)
- *Who provides Assistance:* the Committee Secretary or other Committee designee shall go to the Superintendent's Secretary for clerical assistance