

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**DIANE COWAN, minor, by her mother and
next friend, Mrs. Alberta Johnson, et al.;**
**FLOYD COWAN, JR., minor, by his mother
and next friend, Mrs. Alberta Johnson, et al.;**
LENDEN SANDERS; MACK SANDERS;
CRYSTAL WILLIAMS; AMELIA WESLEY;
**DASHANDA FRAZIER; ANGINETTE
TERRELL PAYNE; ANTONIO LEWIS;**
BRENDA LEWIS;

PLAINTIFFS

and

UNITED STATES OF AMERICA

INTERVENOR-PLAINTIFF

V.

NO. 2:65-CV-00031-DMB

**BOLIVAR COUNTY BOARD OF
EDUCATION, et al.**

DEFENDANTS

ORDER

On May 13, 2016, this Court entered a Memorandum Opinion and Order adopting the desegregation plan proposed by the United States of America, which calls for the consolidation of the Cleveland School District's high school and middle schools ("Adopted Plan"). Doc. #215 at 96. The order provided:

In view of the Court's adoption of the United States' plan on this date, the parties are each **DIRECTED** to submit to the Court a proposed timeline to implement the United States' plan in such a way as to ensure the immediate termination of the District's dual system in its high schools and middle schools. The proposed timeline is to be submitted no later than twenty-one (21) days from the entry of this Opinion and Order.

Id. (emphasis in original).

On September 22, 2016, this Court entered an order setting forth a timeline for implementation of the Adopted Plan. Doc. #233.

On March 13, 2017, this Court, acting on joint motion of the parties, issued an order modifying the Adopted Plan. Doc. #308. The modification order stated that the September 22, 2016, implementation order would be “vacated and modified by separate order.” *Id.*

On March 17, 2017, this Court convened a telephonic conference with the parties to discuss new implementation dates for the modified plan. In accordance with the parties’ representations at the telephonic conference, the September 22, 2016, implementation order is **VACATED in part** and **MODIFIED in part**. The order is vacated to the extent it is inconsistent with the requirements of the Adopted Plan, as modified. The order is modified such that the District must take the following actions on or before the specified deadlines:

March 31, 2017

1. Continue implementation of measures commenced earlier.¹
2. Engage community stakeholders in renaming the schools, and selecting and promoting new mascots.
3. With the multiracial advisory panel, design and implement a roll-out plan to introduce and promote the new schools.
4. Begin planning activities and efforts to commemorate the traditions of the former schools.
5. Assign all students in the 6th grade to their appropriate school, as required by the Adopted Plan, as modified.
6. Assign all students in 7th-8th grades to a single District-wide middle school housed in the current East Side High School facility.

¹ The District is required to only continue implementation of those measures applicable to the Adopted Plan, as modified. All applicable implementation measures remain in full force and effect.

7. Assign all students in 9th-12th grades to a single comprehensive high school housed on a new high school campus using the current Cleveland High/Margaret Green facilities.
8. Formally notify 6th grade, middle school, and high school students of their 2017–2018 school assignments.
9. Take appropriate personnel actions to staff the District’s schools (including, but not limited to, new hiring, using retention measures, and notifying current employees of any necessary reassignments or reductions in force).
10. Implement and promote new academic programs and opportunities, and take appropriate steps to ensure transition of existing programs (including, but not limited to, the IB Programme) to the consolidated schools.
11. File a report with the Court detailing the District’s compliance to date with the timeline ordered by the Court, including an update on facilities and repairs.

May 22, 2017

1. Continue implementation of measures commenced earlier.
2. Complete necessary facility renovations, repairs, and other improvements.
3. With the multiracial advisory panel, engage in publicized roll-out activities (including, but not limited to, introductory, celebratory and commemorative events; school tours and media campaigns) and provide information to all parents and students on the new schools.
4. Work with the advisory panel to finalize activities and efforts to commemorate the traditions of the former schools.

5. Provide uniform training to District administrators, staff, and employees to ensure that educational opportunities are available to all students on a nondiscriminatory basis.
6. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

July 31, 2017

1. Continue implementation of measures commenced earlier.
2. Complete the assignment lottery for kindergarten students zoned for Pearman Elementary School.
3. Inform students zoned for Pearman Elementary School of their 2017–2018 school assignments.

August 31, 2017

1. Continue implementation of measures commenced earlier.
2. Open the new consolidated middle school and new consolidated high school.
3. With multiracial advisory panel, address implementation issues arising during school year.
4. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

November 10, 2017

1. Continue implementation of measures commenced earlier.
2. With multiracial advisory panel, address implementation issues arising during school year.

3. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

March 9, 2018

1. Continue implementation of measures commenced earlier.
2. With multiracial advisory panel, address implementation issues arising during school year.
3. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

May 22, 2018

1. Continue implementation of measures commenced earlier.
2. With multiracial advisory panel, address implementation issues arising during school year.
3. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

SO ORDERED, this 17th day of March, 2017.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE