

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
DISTRICT COURT
AUGUSTA DIV.

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UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 CHARLIE RIDLEY, et al.,)
)
 Plaintiff-Intervenors,)
)
 v.)
)
 STATE OF GEORGIA, et al.,)
 (McDuffie County))
)
 Defendants.)
 _____)

Case Number CV 3009

CONSENT ORDER

Plaintiff United States of America (“United States”) and Defendant McDuffie County School District (“McDuffie County” or the “District”), having engaged in good-faith negotiations, do voluntarily agree to the entry of this Consent Order by the Court. After reviewing the terms of this Consent Order, the Court concludes that the entry of this Consent Order comports with the objectives of the Fourteenth Amendment to the Constitution of the United States of America and applicable federal law, and will further the orderly desegregation of the McDuffie County School District. The District agrees to comply with the terms of this Consent Order.

BACKGROUND

This school desegregation case was brought by the United States on August 1, 1969, in the Northern District of Georgia against the State of Georgia, eighty-one (81) public school districts, and officials of the state. *United States v. State of Georgia, et al.*, C.A. No. 12972 (N.D. Ga.). In 1972, the United States Court of Appeals for the Fifth Circuit directed the Northern District of

Georgia to add as defendants each school district in the state, and to transfer to this Court's jurisdiction the twenty-one (21) public school districts in the Southern District, including McDuffie County. On February 14, 1974, the Savannah Division of the Southern District of Georgia approved a consent order ("1974 Consent Order," attached hereto as Exhibit A), which dissolved the detailed regulatory injunction issued by the Northern District, and substituted a permanent injunction imposing on each district certain desegregative conduct requirements.

No litigation between the parties occurred between 1974 and 2013. In March 2013, the parties requested approval of a new Consent Order ("2013 Consent Order"). The 2013 Consent Order included provisions addressing each of the *Green* factors: (1) student assignment, including school assignment, student transfers, classroom assignment, gifted and talented, and discipline; (2) faculty and staff, including faculty assignment and faculty hiring; (3) transportation; (4) facilities; and (5) extracurricular activities. *See* 2013 Consent Order at 5-15.

The United States acknowledges that the District has made substantial progress toward eliminating the vestiges of the former dual system and attaining unitary status, and the parties agree that the District has satisfied its obligations in the areas of transportation, extracurricular activities, and facilities. The parties negotiated in good faith the terms of this Consent Order and have agreed upon remedial measures to address outstanding concerns related to the remaining *Green* factors, student assignment and faculty and staff. This proposed order, which replaces the 2013 Consent Order and all previous orders in this matter, is intended to resolve the United States' concerns and enable the District to establish the record needed for a declaration of full unitary status. This Consent Order is not, and shall not be construed as, an admission of liability by the District.

LEGAL STANDARDS

“The duty and responsibility of a school district once segregated by law is to take all steps necessary to eliminate the vestiges of the unconstitutional *de jure* system.” *Freeman v. Pitts*, 503 U.S. 467, 485 (1992). A school district under a desegregation order is obligated to (1) fully and satisfactorily comply with the court’s desegregation Orders for a reasonable period of time; (2) eliminate the vestiges of the prior *de jure* segregation to the extent practicable; and (3) demonstrate a good-faith commitment to the whole of the court’s Orders and to the applicable provisions of the law and the Constitution. *See id.* at 491-92; *Bd. of Educ. of Okla. City Pub. Sch., Indep. Sch. Dist. No. 89 v. Dowell*, 498 U.S. 237, 248-50 (1991); *N.A.A.C.P., Jacksonville Branch v. Duval Cnty. Sch.*, 273 F.3d 960, 966 (11th Cir. 2001); *Lockett v. Bd. of Educ. of Muscogee Cnty. Sch. Dist.*, 111 F.3d 839, 842 (11th Cir. 1997). The affirmative duty to desegregate is a continuing responsibility, and “[p]art of the affirmative duty . . . is the obligation not to take any action that would impede the process of disestablishing the dual system and its effects.” *Dayton Bd. of Educ. v. Brinkman*, 443 U.S. 526, 538 (1979). “Each instance of a failure or refusal to fulfill this affirmative duty continues the violation of the Fourteenth Amendment.” *Columbus Bd. of Educ. v. Penick*, 443 U.S. 449, 458-59 (1979).

The proper measure of a district’s progress toward unitary status “is the effectiveness, not the purpose,” of its actions. *Brinkman*, 443 U.S. at 538; *see also Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 25 (1971). A district must show both past compliance with its desegregation obligations and a commitment to the future operation of its school system in a non-discriminatory manner. *See Dowell*, 498 U.S. at 247. To that end, a district must demonstrate its “affirmative commitment to comply in good faith with the entirety of a desegregation plan,” not

simply that it “had [not] acted in bad faith or engaged in further acts of discrimination since the desegregation plan went into effect.” *Freeman*, 503 U.S. at 499.

The Supreme Court has identified six areas, commonly referred to as the “*Green* factors,” to be addressed in the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent practicable. These are: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green v. Cnty. Sch. Bd. of New Kent Cnty.*, 391 U.S. 430, 435-42 (1968); *Missouri v. Jenkins*, 515 U.S. 70, 88 (1995). The *Green* factors are not intended to be a “rigid framework,” as the Supreme Court has approved consideration of other indicia, such as “quality of education,” in determining whether a district has fulfilled its desegregation obligations. *See Freeman*, 503 U.S. at 492-93.

After reviewing the terms of this Consent Order, and finding them fair, just, and reasonable under all of the circumstances, it is the opinion of this Court that entry of this Consent Order comports with federal law and the Fourteenth Amendment to the United States Constitution and will further the orderly desegregation of the McDuffie County School District. The United States and the District (collectively, the “Parties”) agree that the entry of this Consent Order, without further litigation, is in the public interest and voluntarily agree to all terms and conditions below.

It is therefore **ORDERED, ADJUDGED, and DECREED:**

I. REMEDIAL MEASURES

A. Student Assignment

The 1974 and 2013 Consent Orders require that “[t]he school district shall take no action which tends to segregate students or faculty by or within schools on the basis of race, color, or national origin.” The District shall continue to follow that order and, in addition, shall take the following specific actions set forth herein to eliminate vestiges of the prior dual school system.

1. School Assignment

The District operates six schools and one alternative school: Dearing, Maxwell, Thomson, and Norris Elementary Schools, Thomson-McDuffie Middle School, Thomson High School, and the McDuffie Achievement Center (“MAC”). Overall, during the 2015-2016 school year, the District enrolled 4,257 students, 51.4% of whom are black, 40.5% are white, and 8.1% are other races. Dearing Elementary School serves students in grades K-5 residing in and around the town of Dearing (“Dearing Zone”). Maxwell, Thomson, and Norris Elementary Schools serve students in grades K-1, 2-3, and 4-5, respectively, residing in and around the city of Thomson (“Thomson Zone”). The 2013 Consent Order acknowledged that Dearing Elementary School was the *de jure* white school during the prior dual school system and recognized that its majority-white student body reflected vestiges of segregation. *See* 2013 Consent Order at 7.

Therefore, under the 2013 Consent Order, the parties agreed to modify the elementary school zones in a manner that would eliminate the continuing vestiges of the prior dual school system. *See id.* In 2013, the District expanded the size of the Dearing Zone and reduced the size of the Thomson Zone. The change in zoning successfully doubled the number of black students at Dearing Elementary. In addition, the rezoning brought the teacher-student ratios of Dearing in line with those of the other elementary schools in the District. *See* 2013 Consent Order at 7.

The District shall seek approval of this Court for any further zoning changes, opening/closure of school facilities, or expansion of current facilities.

2. Student Transfers

a. Majority-to-Minority Intradistrict Transfers

Pursuant to the 1974, 2013 Consent Orders, and the instant Consent Order, the District shall continue to permit a student attending a school in which his/her race is in the majority to

choose to attend another school where his/her race is in the minority. Any student transferring under this arrangement must be provided free transportation and space must be made available in the school to which the student desires to move. *See* 1974 Consent Order at 5; 2013 Consent Order at 8.

Additionally, by May 1 of each year, the District shall publish a notice regarding its majority-to-minority (“M-to-M”) transfer opportunities in the local newspaper, on its website, on its Facebook page, via radio advertisements,¹ and through any other means designed to reach parents/guardians. The notice shall include the following:

- i. A statement that the Court’s Order requires the provision of the opportunity to effect M-to-M transfers, which allow any student attending a school at which his or her race is in the majority to transfer to another school where the student’s race is in the minority;
- ii. Notification that clearly specifies that the District provides free transportation to any student who is granted an M-to-M transfer;
- iii. Information on the process to be used to apply for an M-to-M transfer, including the deadline for doing so; and
- iv. The District phone number to call for additional information and assistance.

In addition, the application for M-to-M transfers shall also clearly specify that transportation is provided by the District and that such transportation is free. The District shall continue explaining this point to parents or guardians who inquire about M-to-M transfer opportunities by telephone, email, in-person conversations, or any other means of communication used by parents/guardians to reach the District.

¹ These are the ways that the District has published its notice in the past, and the District shall continue to do so.

b. Intradistrict Transfers for Special Circumstances

On a case-by-case basis, the District may assign a student to a school for which he or she is not zoned if necessary to best meet the student's need for specific educational services. In addition, the District may assign a student to a school for which he or she is not zoned if the student is an employee's child and the employee works at a different school than the child is zoned. Under these circumstances, the employee's child may attend the school to which the employee parent is assigned, if the employee resides in McDuffie County. Nonresident personnel (excluding temporary or substitute employees) working for the McDuffie County Schools may enroll their children in McDuffie County Schools.

Finally, the District may, at its discretion, allow a minimal number of intradistrict transfers in extenuating circumstances when a parent or the District demonstrates a compelling hardship to the student. Hardship to the parent (*i.e.*, child care convenience) is not sufficient to warrant a transfer under this provision.

3. Classroom Assignment

The District agrees to continue to assign students to classrooms in ways that do not segregate students on the basis of race, color, or national origin, including the unnecessary creation of classes containing racially identifiable enrollments.

4. Gifted and Talented

The District currently operates a gifted program for students. The Georgia Department of Education sets objective criteria for admission to the gifted program that the District must follow. Students who score at specified levels on state assessments or norm referenced tests are considered for further assessment to determine eligibility for gifted services. In addition, students may be referred for consideration for gifted educational services by teachers, counselors, administrators,

parents or guardians, peers, self, and other individuals who have knowledge of the student's abilities.

The District has determined that a disproportionately low number of black students qualifies for enrollment in the District's gifted program, and will take the following steps with respect to its identification, referral, and parent outreach processes to address any potential barriers to black students' enrollment in the program:

Identification and Referral Process

The District shall:

a. Continue to test every student who is referred for testing pursuant to the State of Georgia gifted program. The District shall provide opportunity for alternative advancement of students for potential gifted program participation;

b. Continue to have the District's gifted certified teachers conduct presentations, at least annually, to all teachers in their schools about identifying gifted students, with a special emphasis on identifying minority students for the gifted program, and continue to train regular education teachers to recognize the characteristics of English language learner and minority students who should be referred for gifted consideration;

c. Continue to assign gifted certified teachers to regular education classrooms to work with students who have the potential to enter the gifted program, as well as all other students. The gifted certified teachers assigned to regular education classrooms shall implement gifted-specific learning strategies (*e.g.*, higher level thinking and processing) that will benefit both the gifted students and the regular education students in the class. The District currently employs four (4) administrators with gifted endorsements and sixty-five (65) teachers with gifted endorsements. The District shall continue to assign students who come close but do not qualify for the gifted

program to classrooms with these gifted teachers to allow the students to develop higher order and critical thinking skills;

Advertising

The District shall:

d. Publicize its gifted program, including the fact that parents, guardians, or any individual with knowledge of the student's abilities may refer the student for gifted testing, at Dearing, Maxwell, Thomson, and Norris Elementary Schools in the following ways:

- i. during open houses at the beginning of the school year;
- ii. during parent/guardian conferences with District personnel throughout the school year;
- iii. on the websites of all schools in the District;
- iv. in the school handbooks of all schools in the District;
- v. in local newspapers;
- vi. at Title I orientation; and
- vii. at school performances (*e.g.*, choir recitals, theatrical plays, band concerts) held at these schools;

e. Engage in outreach to all parents/guardians, including targeted outreach to parents/guardians of black students, to ensure that they are aware of the District's gifted program, the gifted identification process, and all actions listed in paragraphs a-d.

5. Student Discipline

The Board has agreed to the following measures in a good faith effort to address concerns related to racial disparities in discipline referrals and in out-of-school suspensions, and other related concerns in the area of student discipline.

The District shall fully implement its positive behavior interventions and supports (“PBIS”) program to classroom management and student behavior through:

a. Ensuring that its discipline practices support and reinforce positive behavior and character development; incorporate culturally responsive techniques; employ constructive interventions to keep students in the classroom; and resort to exclusionary discipline only in limited circumstances;

b. Providing sufficient resources and training to implement the PBIS model at each District school, with fidelity and in accordance with this Consent Order. To support these efforts, the United States shall assist the District in identifying technical assistance resources available from the National Technical Assistance Center on PBIS and other sources;

c. Developing and implementing a plan to inform parents/guardians about the District’s PBIS approach and the Student Code of Conduct and assisting students and parents in understanding their rights and responsibilities. These informational presentations shall include a clear explanation of the Student Code of Conduct, including principles of the District’s positive school climate program and classroom rules;

d. The District has designated an individual to serve as the PBIS Coordinator. The PBIS Coordinator shall continue to work with the Superintendent and PBIS teams² in each District school in the implementation of PBIS by:

- i. developing model behavioral assessments and interventions;
- ii. helping schools adopt and approve behavior and discipline data reporting

mechanisms and self-monitoring practices;

² “PBIS team” refers to a group of faculty, staff, and/or administrators at each school, designated by the school principal, who are responsible for implementation of and fidelity to PBIS.

iii. reviewing and analyzing the District's behavior and discipline data to identify areas of concern District-wide or at particular schools, including concerns regarding any unwarranted disparities on the basis of race, color, or national origin;

iv. developing and coordinating targeted assistance, training, and other action in response to any concerns identified; and

v. in the event of changes to the State of Georgia PBIS model, modifying the District's policies to include such changes.

e. Administrators at each school will contribute to the implementation of PBIS by:

i. working with the Superintendent and faculty/staff members in charge of administering discipline at each District school to develop action plans in response to concerns raised by disciplinary data or narratives;

ii. reviewing all referrals to the MAC alternative school, all recommendations of expulsion, and all referrals to law enforcement; and

iii. serving as a direct contact for all student and parent complaints and concerns regarding the administration of discipline, and working with District- and school-level administrative staff to resolve these concerns.

f. The District has purchased the School-Wide Information System ("SWIS") for every school in the District. Through SWIS, or any equivalent future system, school officials enter discipline referrals online and the data is summarized to provide information about individual students, groups of students, or the entire student body over any time period.³

³ See SWIS Suite Overview, <https://www.pbisapps.org/Applications/Pages/SWIS-Suite.aspx> (last visited July 27, 2016).

i. The District shall complete the implementation of SWIS in all of the District schools, discuss the SWIS data at principal meetings, and train faculty, staff, and administrators on the SWIS system.

ii. The District, through its PBIS Coordinator, shall regularly collect and review disaggregated discipline data from each school. School administrators, in conjunction with the District's PBIS Coordinator, shall modify their School Strategic Plan to address any identified concerns.

iii. The District's data collection and review shall capture, at a minimum, the following information:

1. the student's name (or unique student identifier),
2. race,
3. sex,
4. school,
5. grade level,
6. disability status,
7. name and race of the referring staff member,
8. infraction,
9. date the incident occurred,
10. description of the incident,
11. student's prior disciplinary history,
12. consequence,
13. date the consequence was imposed, and
14. whether the parent appealed any aspect of the disciplinary decision.

iv. On a monthly basis, administrators of each District school (*e.g.*, principals and assistant principals) will review the reports available within SWIS related to school-wide referral patterns, including but not limited to:

1. how often referrals occur;
2. what problem behaviors occur most frequently in the school buildings;
3. where the problem behaviors are most likely to occur;
4. when the problem behaviors are most likely to occur;
5. which students are involved in the referrals;⁴ and
6. disproportionality by race/ethnicity.⁵

In addition, the District shall:

a. Provide annual training on classroom management to all teachers during the first semester of the school year.⁶ The training shall include efforts to standardize and make consistent referrals for subjective offenses (*e.g.*, “not following rules,” “insubordination,” “disrespect”). The District shall provide additional training on classroom management for any teacher it determines needs such additional training based on a review of his/her record of disciplinary referrals;

b. Providing annual training to all faculty and staff who come into contact with students and who may report disciplinary infractions and/or administer discipline (*e.g.*, teachers, administrators, bus drivers) to ensure that discipline is imposed consistently, uniformly, and in a nondiscriminatory manner;

⁴ *Id.*

⁵ *Id.*

⁶ The District acknowledges that the majority of discipline referrals come from within the classroom and agrees to provide annual training on classroom management.

c. Providing classroom teachers with a wide variety of classroom management and corrective strategies that do not remove students from valuable instructional time. These strategies shall be designed to prevent the occurrence of student infractions, provide constructive feedback, teach alternative or replacement behaviors, and motivate students to demonstrate compliance with established school expectations outlined in the Code of Conduct and PBIS model. Examples of corrective strategies include a reflective activity, a parent conference, time-out, a loss of privileges, in-school detention, and interventions by the Response to Intervention team and school counselors. The use of all corrective strategies shall be documented;

d. Ensuring that students who receive in-school-suspension (“ISS”) are provided their regular academic work to complete during ISS and that students in ISS are indeed completing such work. The paraprofessional in the ISS room shall assist with assignments to ensure work is completed and returned in a timely manner to the teacher who assigned the work. In addition to providing the student’s class work to be completed during ISS, the District shall provide opportunities for behavior remediation, including the completion of computerized behavior instruction, behavior packets, behavior contracts, and the use of restorative justice practices;

e. Coordinating with the MAC alternative school program to ensure continuity between the MAC’s code of conduct and classroom management practices and the District’s Student Code of Conduct and approach to PBIS;

f. Providing a parent/guardian complaint form in the school handbooks of all schools in the District that parents/guardians can fill out regarding alleged discriminatory student discipline practices.

B. Faculty and Staff

1. Faculty Assignment

The District “shall take no action which tends to segregate students or faculty by or within schools on the basis of race, color, or national origin,” and “[s]taff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.” 1974 Consent Order at 4; 2013 Consent Order at 11.

For the 2015-2016 school year, the District employed 286 teachers, 24.1% of whom are black and 74.5% are white. The teachers were assigned to the District’s schools as follows:

Full-Time Teachers 2015-2016⁷			
School	White teachers	Black teachers	TOTAL
Thomson High School	58 (80.6%)	12 (16.7%)	72
Thomson Middle School	41 (50.6%)	16 (19.8%)	58
McDuffie Achievement Center	1 (16.7%)	5 (83.3%)	6
Maxwell Elementary	39 (86.7%)	6 (13.3%)	45
Thomson Elementary	29 (78.4%)	8 (21.6%)	37
Norris Elementary	19 (59.4%)	13 (40.6%)	32
Dearing Elementary	26 (72.2%)	9 (25%)	36
TOTAL	213 (74.5%)	141 (24.1%)	286

Over time, the percentage of black teachers at McDuffie County schools has increased. For example, for the 2010-2011 school year, the District employed 287 teachers, 19% of whom were black and 81% of whom were white. Similarly, for the 2012-2013 school year, the District employed 267 teachers, 20% of whom were black and 79% of whom were white. *See* 2013 Consent Order at 11.

Furthermore, the District has recently altered its assignment of administrators to schools in ways that have promoted desegregation. For the 2015-2016 school year, the District employed 16

⁷ This table omits the data for “other race” teachers.

administrators, 44% of whom are black and 56% are white. The administrators were assigned to the District’s schools as follows:

School Administrators 2015-2016⁸			
School	White	Black	TOTAL
Thomson High School	3	1	4
Thomson Middle School	1	2	3
McDuffie Achievement Center	0	1	1
Maxwell Elementary	2	0	2
Thomson Elementary	1	1	2
Norris Elementary	1	1	2
Dearing Elementary	1	1	2
TOTAL	9 (56%)	7 (44%)	16

The District agrees to continue adhering to the 1974 and 2013 Consent Order provisions regarding faculty and staff assignment. Moreover, in response to United States’ concerns regarding the disproportionate number of black faculty and staff at the MAC, the District has agreed to work to diversify the faculty at the MAC.

As discussed *supra* in Section I.A.4.c. of this Consent Order, the District currently employs four (4) administrators with gifted endorsements and sixty-five (65) teachers with gifted endorsements. Approximately one-fourth of those administrators and teachers are black; however, all five of the “lead gifted specialists” are white. The District shall make good-faith efforts to increase the number of black teachers with gifted endorsements by encouraging black teachers to seek gifted certification and mentor those who do, including providing an annual notification to all teachers who wish to pursue gifted certification. Similarly, the District shall work to increase the number of black teachers who qualify for designation as “lead gifted specialists.”

⁸ See The Total Number and Percentage of Teachers and Administrators, by Race/Ethnicity and Position, Grade or Subject(s) Taught, in Each School Facility Operated by the District, Section 7 of McDuffie County’s 2015 Report (Dec. 15, 2015).

Faculty Hiring

The District agrees to continue to recruit minority faculty members to each of its District schools. To that end, the District shall:

a. Continue to conduct on-campus recruitment and on-campus interviews at historically black colleges and universities in Georgia and South Carolina;

b. Continue to ensure that its interview committees are racially diverse and continue to send teams of employees who are diverse in gender and race to recruiting fairs;

c. Continue to post notices of vacant positions for permanent personnel at least thirty (30) calendar days before the application deadline;

d. Continue to send notices of all District employment vacancies to the education placement officials at each public university in Georgia and all historically black colleges and universities in Georgia (public and private), and continue posting notices of the vacancies on the Teach Georgia website, as well as on the bulletin board in the District's Central Office;

e. Continue to encourage its black paraprofessionals to seek teacher certification and mentor those who do, including holding an annual information meeting for paraprofessionals who wish to pursue teacher certification. In an effort to recruit more minority teachers, the District currently works with Brenau University to enable paraprofessionals to obtain their teaching credentials through a teacher certification program offered at Brenau. With support from the District, the paraprofessionals involved in this program continue to work as paraprofessionals while completing their teacher certification studies. The District shall continue this program and encourage minority paraprofessionals to pursue it.

II. DIVERSITY ADVISORY COUNCIL

The composition and responsibilities of the Court established Diversity Advisory Council (“DAC”) shall continue as set forth in the March 2013 Consent Order. *See* 2013 Consent Order at 15-17.

III. MONITORING, REPORTING, AND MODIFICATIONS

A. Maintenance of Records

The District shall maintain records, with each such record to be maintained for a period of not less than three years, relating to the hiring or promotion of persons to all employment positions in the District, including teaching, administration, certified staff, non-certified staff, and other paid positions (*e.g.*, coaching and advising).⁹ The United States shall be permitted, without further order of the Court, to review and copy these materials, as well as any other material related to the hiring and promotion of personnel, after giving at least two (2) weeks’ notice to the District. The District shall also maintain any and all records pertaining to the reporting requirements below.

B. Reports

By June 15, 2017, and by January 15 and June 15 of each year during the term of this Consent Order, the District will file with the Court a report containing the following information related to the previous semester:

⁹ “Records” includes the following for each open position: (1) the name of each person who applied for and/or was considered for the position; (2) each person’s application for the position (including, but not limited to, application forms, teaching certificates, references, and college transcripts); (3) the race of each applicant, if provided; (4) a description of each position filled; (5) the name and race of the person selected for the position; (6) copies of any interview questions used and/or interview notes taken for each applicant; (7) copies of any oral or written examination questions administered during the selection process; (8) the written responses of each applicant who was given a written examination; (9) the name and race of each person on the oral examination and/or interview panel; (10) the name and race of each person who scored the written examination; (11) a copy of any advertisements for the position, including the date(s) of publication in the media and/or posting or publication on an Internet website; and (12) a description of all recruitment efforts used to fill the vacancy.

Student Assignment

1. The total number and percentage of students, by race/ethnicity and grade level, enrolled in each school facility operated by the District, including the MAC alternative school. The enrollment data provided for the MAC shall include the reason for placement at the MAC (*i.e.*, disciplinary or academic credit recovery);

2. A list of all students granted an intradistrict transfer, including the students' name, address, race, grade, school zoned to attend, school attending, and the reason for transfer (*e.g.*, M-to-M, employee parent assigned to a different school, hardship to the student with explanation);¹⁰

3. Copies of the newspaper, website, social media, and any other published notice regarding the District's M-to-M program;

4. A detailed report on the District's efforts in complying with Section I.A.4 of this Consent Order in its recruitment of students to its gifted program, including the current roster of gifted students, by race; a list of all students tested for the gifted program, by race, in the past year; and a list of all students referred to the gifted program in the past year, including the name or student ID number of each student referred, whether the referral was automatic or reported, who referred the student, whether the student was found eligible, and the grade, school, and race of the student;¹¹

5. Documentation of all trainings conducted or provided by or for school or District personnel regarding identifying gifted students, including for each training the date the training was conducted, the title of the training, the length of each training, the identity of the individual(s)

¹⁰ This portion of the report should be filed under seal because of the personally identifiable information (PII) contained therein.

¹¹ This portion of the report should be filed under seal because of the PII contained therein.

or entity that conducted the training, and the name and position of all individuals in attendance at each training;

6. End of semester reports on discipline, containing discipline data collected, reviewed, and analyzed through PowerSchool/SWIS throughout the semester (in electronic form). The discipline data contained in the end of semester report shall include all of the information specified in Section I.A.5.h.ii. of this Consent Order;

7. All District policies and procedures relating to student discipline implemented since the November 15, 2015 annual report, including any updates to the Codes of Conduct or School Strategic Plans. Include a description of all edits, revisions, modifications, adjustments, and changes made to the policies and procedures since the date of the previous November 2015 report and the reasons for each edit, revision, modification, adjustment, or change made;

8. A detailed report on the District's efforts in complying with Sections I.A.5.d. – I.A.5.f. of this Consent Order, including a description of the plan to inform parents/guardians about the District's PBIS approach and the Student Code of Conduct; a copy of all informational material provided to parents/guardians; and documentation of all communications, trainings, and support offered by the District to administrators and teachers to carry out the responsibilities addressed in Sections I.A.5.e. and f;

9. A detailed report on the District's efforts to implement PBIS with fidelity in all District schools pursuant to Section I.A.5 of this Consent Order, including information regarding coordination between the District and the MAC pursuant to Section I.A.5.f;

10. Documentation of all trainings conducted or provided by or for school or District personnel regarding student discipline and diversity pursuant to Section I.A.5. of this Consent

Order, including the name(s) of the trainers, the dates of the trainings, the content of the trainings, and the attendees by position;

11. A detailed report on the District's efforts in complying with Sections I.A.5.c-e of this Consent Order regarding discipline consequences, including all documentation of corrective strategies imposed;

12. Copies of all complaints made to the Central Office or the School Board whether reported by a student, parent, guardian, or concerned member of the community regarding discriminatory discipline and a brief description of the resolution of each complaint;

Faculty and staff

13. The total number and percentage of teachers and administrators, by race/ethnicity and position, grade or subject(s) taught, in each school facility operated by the District;

14. The total number and percentage of teachers and administrators, by race/ethnicity and position, in each school facility operated by the District who are gifted endorsed, and a detailed report on the District's efforts to increase the number of minority teachers who are gifted endorsed and who are designated as "lead gifted specialists" pursuant to Section I.B.1. of this Consent Order;

15. A list of all teachers and administrators, by race/ethnicity, position, grade or subject(s) taught, and school, that the District hired in the past year;

16. A detailed report on the District's efforts to recruit more black faculty and teachers pursuant to Section I.B.2. of this Consent Order and the results of those efforts, including all notices of vacant positions posted by the District; a list of the individuals on the District's interview and recruiting committees, by race; and a calendar of the District's recruitment fairs and interviews;

17. A list of paraprofessionals participating in the teacher certification program offered by Brenau University, or any other teacher certification programs, and a detailed report on the District's efforts to engage minority paraprofessionals to do so;¹²

Miscellaneous

18. Copies and/or documentation of all complaints, written and oral, concerning desegregation obligations and/or racial discrimination or harassment that the District has received in the last year, including for each complaint any response or action by the District.¹³

C. Modifications

For all modifications to the terms of this Consent Order, including all zoning changes or opening/closure of school facilities, the District must seek the United States' consent and obtain approval of the Court through an appropriate motion.

IV. FINAL TERMINATION

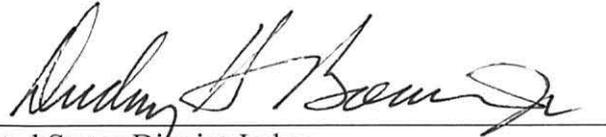
The District retains the burden of eliminating the vestiges of its former dual system. The parties have agreed and the Court finds that the District will meet its desegregation obligations in the remaining areas of its operation of the District's schools if it implements the requirements set forth in this Consent Order. Therefore, upon demonstration of successful implementation of such provisions, the District may move for a declaration of unitary status no sooner than thirty (30) days after the submission of its June 15, 2018 report. The applicable provisions of the Federal Rules of Civil Procedure and the local rules of this Court shall apply to any such motion.

¹² This portion of the report should be filed under seal because of the PII contained therein.

¹³ This portion of the report should be filed under seal because of the PII contained therein.

SO ORDERED, ADJUDGED, AND DECREED.

This 25th day of May, 2017.



United States District Judge
Southern District of Georgia

Agreed as to Form and Content:

FOR PLAINTIFF UNITED STATES OF AMERICA:

JAMES D. DURHAM
Acting United States Attorney
Southern District of Georgia

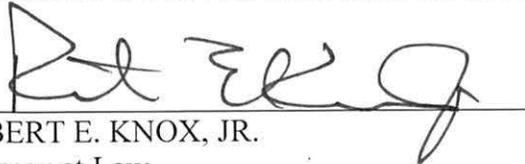
THOMAS E. WHEELER
Acting Assistant Attorney General
Civil Rights Division

s/ 
BRADFORD C. PATRICK
Assistant United States Attorney
Savannah, Georgia 31401

s/ 
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