

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:65-CV-01796-FL

HAROLD DOUGLAS COPPEDGE, et al.,))	
Plaintiffs,))	
)	
UNITED STATES OF AMERICA,))	
Plaintiff-Intervenor,))	JOINT MOTION FOR
)	DECLARATION OF
v.))	PARTIAL UNITARY STATUS
)	
THE FRANKLIN COUNTY BOARD OF))	
EDUCATION, et al.,))	
Defendants.))	

In accordance with the Court’s Orders of February 6, February 27, and October 29, 2018, Plaintiff-Intervenor, the United States of America (“the United States”), and Defendant, Franklin County Board of Education (“the District”), respectfully submit this Joint Motion for Declaration of Partial Unitary Status. The United States and the District have consulted with counsel for the Private Plaintiffs, and he does not oppose this motion. Accordingly, the United States and the District request that this Court:

- (1) declare the District partially unitary with respect to desegregation of staff and the following quality of education areas governed by the June 17, 2003 Consent Order (“2003 Order”) in this case: academic achievement, advanced course offerings and enrollment, special education program, and student dropouts;
- (2) dissolve all court-ordered obligations and terminate jurisdiction with regard to the areas declared unitary;
- (3) keep open the *Green* factor of student assignment until all current participants in the District’s majority-to-minority (“M-to-M”) transfer program complete the terminal grade at their receiving school (*e.g.*, 5th, 8th, or 12th grade) and the District fulfills its

desegregation obligations under the 2003 Order regarding the administration of discipline and its gifted and talented program; and

(4) retain jurisdiction over the District's remaining desegregation obligations under the 2003 Order.

A Proposed Order to this effect is attached to this Joint Motion as Exhibit 1. The substance of the proposed Stipulation (DE 22-1) that was presented for public comment has been fully incorporated into the Proposed Order. The United States and the District provide as grounds for their motion, in accordance with Local Rules 7.1 and 7.2, a Memorandum of Law under separate cover. The United States and the District further refer this Court to the reasons enumerated in their filings dated January 12, 2018 (*see* DE 21 & DE 22), and to the Joint Status Report filed on October 23, 2018 (*see* DE 30).

Respectfully submitted this 14th day of December, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered counsel of record.

/s/ Ceala E. Breen-Portnoy
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