

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Civil Action No. EC 6963-K

NETTLETON LINE CONSOLIDATED)
SCHOOL DISTRICT,)

Defendant.)
_____)

CONSENT ORDER

This matter is before the Court at the request of Plaintiff United States of America and Defendant Nettleton Line Consolidated School District, now known as Nettleton School District (the "District"). The District operates under a June 19, 1970 school desegregation order. The desegregation order and applicable federal law require the District to eliminate the vestiges of racial discrimination, to the extent practicable, in its student assignments, faculty and staff hiring and assignments, school transportation, extracurricular activities, school construction and facilities, and student transfers. The District currently operates three schools (Nettleton Primary School, Nettleton Middle School, and Nettleton High School, which includes the Ninth Grade Academy). The District enrolls approximately 1,338 students (25% black and 74% white).

In August 2010, the United States learned that the District's policies and procedures allowed for race-based selection and election procedures for extracurricular activities in grades 6-12, including class officers (e.g., President, Vice-President, Secretary/Treasurer, and Reporter), homecoming court (e.g., queen and maids), and superlatives (e.g., "Class Favorite," "Most Beautiful and Most Handsome," and "Mr. and Mrs. Nettleton"). Following media reports concerning the race-based election process, the District released a written statement that,

“Beginning immediately, student elections at Nettleton School District will no longer have a classification of ethnicity” and that “[f]uture student elections will be monitored to help ensure that this change in process and procedure does not adversely affect minority representation in student elections.”

After discussion and negotiation between the parties, the District agreed to terminate all race-based selection and election procedures and policies, and to revise such policies and procedures regarding student elections to comport with the desegregation order and applicable federal law. On August 27, 2010, the District formally adopted revised policies and procedures that govern student selection and elections in extracurricular activities. A copy of the District’s new procedures is appended as Attachment A and incorporated herein by reference.

Having duly considered the issue, the Court finds that the actions embodied in this Consent Order comport with the Fourteenth Amendment and applicable federal law, and will, if properly implemented, further the orderly desegregation of District schools in compliance with the extant orders of this Court. **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

I. Extracurricular Activities

A. The revised policies and procedures set out in Attachment A are approved and shall govern student selection and elections procedures in District schools.

B. A copy of the revised policies and procedures, with a cover letter to be approved by counsel for the parties explaining the basis for the change, shall be sent to the parents or guardians of District students and posted on the District’s website within thirty (30) days of the date of this Order.

II. Reporting Requirements

The District shall provide the following information to the United States by July 1 for each academic year that this Consent Order is in effect:

A. The yearbooks/annuals produced for each school for each academic year. If the yearbook/annual is not available by July 1, the District shall produce it as soon as it becomes available.

B. A copy of the ballot(s) and completed vote tally sheet(s) for each election held in the school district, including, but not limited to, class officers, homecoming court, and superlatives. The tally sheets shall be accompanied by a chart denoting the race of each student who is listed as receiving votes.

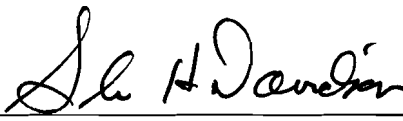
III. Enforcement

The parties commit to negotiate in good faith any disputes that may arise, but the United States shall have the right to seek judicial resolution of any noncompliance with the terms of this Consent Order.

IV. Effect of Prior Orders

All other orders of the Court remain in full force and effect.

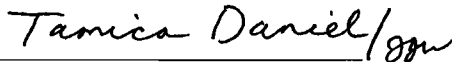
SO ORDERED, this 8th day of August, 2011.


United States District Judge

The following signatures of the parties indicate their consent to the entry of this Consent Order.

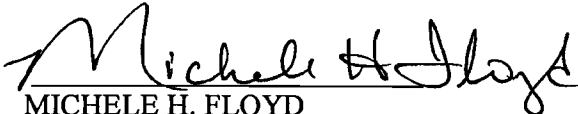
For Plaintiff United States of America:

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Handwritten signature of Michele H. Floyd in cursive script.

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Attachment A:

Nettleton Student Elections Policy

STUDENT ELECTIONS

Grades Kindergarten – 5th grade do not have any student elections.

Class Officer Elections and Student Council:

In grades 6 - 12, there will be annual elections in each grade for class officers in the following categories: President, Vice-President, Secretary/Treasurer and Reporter. Each grade will elect one person for each of the above categories as that grade level's class officers. Candidates must meet the criteria listed below. Elections will be held with only members of each grade level being able to vote for their class officers. The winning candidate will be the student with the most votes. There will be no run-offs.

Criteria for class officer:

- A student may run for only one office per year.
- The student must submit an application with 10 signatures from students in the same grade level.
- The student must have attended the Nettleton School District the previous school year for both semesters.
- The student must have passed all subjects taken the previous year at the end of the last semester.
- The student must have a cumulative 3.0 GPA for his or her career at the school.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Class Favorite Elections:

In grades 6 – 12, there will be annual elections in each grade for class favorites. There shall be a male and female elected as class favorite for each grade. Candidates must meet the criteria listed below. Elections will be held with only members of each grade level being able to vote for their class favorites. The winning candidates will be the male student with the most votes and the female student with the most votes. There will be no run-offs.

Criteria for class favorite:

- The student must have attended the Nettleton School District the previous school year for both semesters.
- The student must have passed all subjects taken the previous school year by the end of the last semester.
- The student must have a cumulative 2.0 GPA for his or her high school career.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Most Beautiful and Most Handsome– Nettleton Middle School- Elections:

In grades 6 – 8, there will be annual elections in each grade for most beautiful and most handsome. There shall be a female student elected as most beautiful for each grade level, and there shall be a male student elected as most handsome for each grade level. Candidates must meet the criteria listed below. Elections will be held with only members of each grade level being able to vote for their grade most handsome and most beautiful. The winning candidate for most beautiful will be the female student with the most votes, and the winning candidate for most handsome will be the male student with the most votes. There will be no run-offs.

Criteria for most beautiful and most handsome:

- The student must have passed all subjects taken the previous school year by the end of the last semester.
- The student must have a cumulative 2.0 GPA for his or her Middle school career.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Mr. and Mrs. Nettleton Middle School Elections:

In grades 6 – 8, there will be annual elections for Mr. and Mrs. Nettleton Middle School from the 8th grade class only. There shall be a female student elected as Mrs. Nettleton Middle School from the 8th grade, and there shall be a male student elected as Mr. Nettleton Middle School from the 8th grade. However, all students in grades 6 – 8 will be allowed to vote for these positions. Candidates must meet the criteria listed below. The winning candidate for Mrs. Nettleton Middle School will be the female student with the most votes, and the winning candidate for Mr. Nettleton Middle School will be the male student with the most votes. There will be no run-offs.

Criteria for Mr. and Mrs. Nettleton Middle School:

- Student must be in the 8th grade.
- The student must have attended the Nettleton School District the previous school year for both semesters.
- The student must have passed all subjects taken the previous year at the end of the last semester.
- The student must have an overall 3.0 GPA for his or her Middle School career.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Most Beautiful and Most Handsome – Nettleton High School – Elections:

In grades 9 – 12, there will be annual elections for most beautiful and most handsome from the 12th grade class only. There shall be a female student elected as most beautiful from the 12th grade, and there shall be a male student elected as most handsome from the 12th grade. However, all students in grades 9 – 12 will be allowed to vote for these positions. Candidates must meet the criteria listed below. The winning candidate for most beautiful will be the female student with the most votes, and the winning candidate for most handsome will be the male student with the most votes. There will be no run-offs.

Criteria for most beautiful and most handsome:

- The student must have passed all subjects taken the previous school year by the end of the last semester.
- The student must have a cumulative 2.0 average for his or her High School career.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Mr. and Mrs. Nettleton High School Elections:

In grades 9 – 12, there will be annual elections for Mr. and Mrs. Nettleton High School from the 12th grade class only. There shall be a female student elected as Mrs. Nettleton High School from the 12th grade, and there shall be a male student elected as Mr. Nettleton High School from the 12th grade. However, all students in grades 9 – 12 will be allowed to vote for these positions. Candidates must meet the criteria listed below. The winning candidate for Mrs. Nettleton High School will be the female student with the most votes, and the winning candidate for Mr. Nettleton High School will be the male student with the most votes. There will be no run-offs.

Criteria for Mr. and Mrs. Nettleton High School:

- Student must be a Senior.
- The student must have attended the Nettleton School District the previous school year for both semesters.
- The student must have passed all subjects taken the previous year at the end of the last semester.
- The student must have a cumulative 3.0 GPA for his or her High School career.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.

Homecoming Court Elections:

In grades 9-11, two girls will be nominated from each homeroom. Each grade will vote on its nominations so that each grade 9-11 has two girls on the homecoming court. Each homeroom in the 12th grade will nominate four girls. Candidates must meet the criteria listed below.

The 12th grade will then vote from this slate of girls, and the six girls with the most votes will be on the homecoming court and will be the nominations for the homecoming queen. All of grades 9-12 will then vote from this slate of six girls. The girl with the most votes will be declared the homecoming queen during the homecoming celebration. (The other five girls will be senior maids.)

Criteria for Homecoming Court:

- The student must have attended the Nettleton School District the previous year for both semesters.
- The students must have passed all subjects taken during the previous school year by May.
- The student must have a cumulative 2.0 GPA.
- The student must currently be in good disciplinary standing.
- The student must not be currently referred to the truancy officer.