

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

UNITED STATES OF AMERICA,

Plaintiff

v.

NO. EC6963-K

NETTLETON LINE CONSOLIDATED  
SCHOOL DISTRICT, et al.,

Defendants

DAVID LUCKETT, et al.,

Plaintiffs

v.

NO. EC6986-K

NETTLETON LINE CONSOLIDATED  
SCHOOL DISTRICT, et al.,

Defendants

CONSENT DECREE

The parties, by and through their attorneys of record,  
having met and agreed to the existence of certain facts, and further  
agreeing to the nature of appropriate relief, and the parties  
further agreeing that the relief herein granted satisfies the  
motions herein made with respect to faculty and staff discrimina-  
tion, and that any portion of those motions seeking further relief  
are hereby dismissed, and the Court being of the opinion that the  
granting of such relief satisfies the ends of justice in this case,  
it is, therefore

ORDERED:

(1) That the defendants, their agents, employees, successors, and all those in active concert and participation with them are hereby enjoined from failing or refusing to:

(a) Employ, for the 1970-1971 school year a qualified black person to assume the full duties and responsibilities of principal in one of the four principal stations. The application of any such individual presently on file with the superintendent shall receive prompt and full consideration.

(b) Take all necessary curative steps to actively recruit qualified black personnel for vacant positions which currently exist or which may arise during and through the 1970-1971 school year, and to fill such vacancies in accordance with the standard objective criteria which have been approved by the Court.

(2) That the defendant district is ordered to take the further following action not later than September 1, 1970:

(a) Effective not later than September 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school, shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

(b) Staff 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.

(c) If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members the staff members to be dismissed or demoted must be selected on the basis of objective

and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of nonracial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These objective standards will be formulated and submitted to the Court for approval by August 15, 1970. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

(4) There is hereby established a bi-racial committee to be composed of ten persons selected in the manner herein specified five of whom shall be white persons and five of whom shall be black persons. The white members are to be selected by the white patrons of the school district and the black members are to be selected by the black patrons of the school district. The names of the members of the committee are to be reported to the superintendent by July 15, 1970, said superintendent shall thereafter promptly

advise the court of the membership of the bi-racial committee. The superintendent is to call a meeting of the committee by August 1, 1970, to elect a chairman and any other officers necessary. This chairman is to be annually elected on August 1st by the internal membership of the said elected bi-racial committee, said chairmanship to rotate annually between members of the opposite race.

The responsibilities of the committee shall be to develop ways and means for granting interracial harmony and understanding among the students, teachers, and patrons in the operation of a unitary school system. Additionally, the bi-racial committee shall offer advice to the school board concerning the employment of a qualified educational staff through the use of objective standards without regard to race.

(5) The district shall provide, by August 15, 1970, a unitary plan for the transportation of school children based upon territorial zones or other natural grouping of pupil residence, irrespective of race, and seeking to eliminate insofar as practicable overlapping or duplicating routes. All children of whatever race shall be treated substantially alike as to seating capacity, bus schedules, length of route, riding time, etc., depending upon the physical factors governing each particular bus route.

(6) No student shall be segregated or discriminated against on account of race or color in any grade, service, facility, activity, or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by the school in which the student is enrolled.

(7) The defendants, to the extent consistent with the proper operation of the school system as a whole, shall locate any new school and substantially expand any existing schools with the objective of eradicating the vestiges of the dual school system.

(8) If the school district grants transfers to students living in the district for their attendance at public schools



outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

(9) Within their authority, school officials are responsible for the protection of persons exercising rights under, or otherwise affected by, this order. They shall, without delay, take appropriate action with regard to any student, teacher or staff member who interferes with the successful operation of the provisions of this order. Such interference shall include harassment, intimidation, threats, hostile words or acts, and similar behavior. If officials of the school system are not able to provide sufficient protection, they shall seek whatever assistance is necessary from other appropriate officials.

(10) Bi-annually on December 1 and April 1 of each year hereafter until otherwise ordered by the court, defendant board shall submit the following reports to the court;

(a) The number of students by race enrolled in the school district, in each school of the district, and in each classroom in each of the district schools.

(b) The number of full-time and part-time teachers by race in the district and in each school of the district.

(c) The number of inter-district transfers granted, the race of the students who were granted such transfers and the school district to which the transfers were allowed.

(d) Whether the district's transportation system is desegregated to the extent that black and white students are transported daily on the same buses.

e) Whether all facilities, such as gymnasiums, auditoriums and cafeterias, are operated on a desegregated basis.

(f) That defendants when filing reports pursuant to the provisions of this order shall serve duplicate copies upon opposing counsel.

It is further ORDERED:


(1) Jurisdiction of this cause shall be, and the same hereby is, retained for all purposes, and especially for the purpose of entering any and all further orders which may become necessary for the purpose of enforcing or modifying this order, either or both.

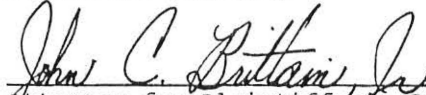
(2) The clerk of this court shall be, and he hereby is, directed to mail certified copies of this order by certified mail to all counsel of record and to note such mailings on the docket.


This, the 19th day of June, 1970.

  
CHIEF JUDGE

UNITED STATES DISTRICT COURT

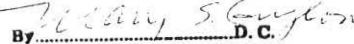
  
Attorney for Plaintiffs in Civil  
Action No. EC6963-K

  
Attorney for Plaintiffs in Civil  
Action No. EC6986-K

  
Attorney for Defendants

I hereby certify that the foregoing is a true copy of the original thereof now in my office.

Attest 6-19-70  
William T. Robertson, Clerk

By  D.C.