

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

United States of America,

C. A. Nos.: 66-598 and 70-563

Plaintiff,

vs.

Calhoun County School District One, et al.

CONSENT ORDER

Defendants,

United States of America,

Plaintiff,

vs.

Calhoun County School District Two, et al.

Defendants

On August 20, 2002, this Court approved a Consent Order (“Order”) between the Plaintiff United States of America and Defendant Calhoun County School District (“district”). The Order, inter alia, approved the closing of two district schools and altered district attendance zones. It was provided in Part III of the Order that the parties would submit to the Court a supplemental Consent Order addressing the transfer of students. The parties have reached agreement upon the provisions of a new district policy that will govern all inter- and intra-district transfers of students. Attached to this Consent Order as “Exhibit A” for the Court’s approval is the district’s Transfer Policy, which has been approved by the board of trustees of the district.

It was further provided in the Court's Order of August 20, 2002, that, effective with the 2003-04 school year, all middle-level students (grades 5-8) at Sandy Run School would attend John Ford Middle School, unless, following a comprehensive student assignment and facilities assessment conducted during the 2002-03 school year, an alternative plan is proposed by the district which is agreeable to the United States. During this year, the district conducted an assessment of student assignment and commissioned a long-range capital improvement assessment, the report of which has been submitted to the district. The district's board of trustees has passed a resolution addressing its intentions regarding student attendance at the middle grades level, which has been forwarded to counsel for the United States. A copy of the facilities assessment also has been provided to the United States, in accordance with the Court's Order.

At present, the district requests additional time to develop a plan of action for implementation of its objectives concerning middle school attendance and in regard to facilities improvement. The United States has consented to the district's request for additional time, during the 2003-04 school year, to develop a plan, including a timetable for the implementation of its goals concerning middle school attendance and capital improvement at each district school. Among other things, the district is prepared to improve facilities and to consider implementation of a magnet program at John Ford Middle School to address concerns related to student assignment and school facilities.

It is agreed by the parties that no later than November 3, 2003, the district will submit to the United States a plan for implementation of its middle school concept, including a student attendance plan and facilities improvement plan. The plan shall include, at a minimum, the proposed attendance zones, projected enrollment and racial composition of each school, the

basis for these projections, a detailed list of each school's facilities renovations that contains cost estimates, and a timetable for plan implementation. Any district plan that proposes a magnet school or program shall also contain a description of the magnet theme or program, an explanation of the admissions process, the recruitment measures that shall be taken, and a staffing/training plan for the school's certified staff and administrators. The district also will have determined by November 3, 2003 the means by which it intends to fund or finance its overall plans for middle school attendance, program implementation, and facilities improvements.

The parties shall have until December 19, 2003 to confer about the district's proposed student attendance and facilities improvement plan, and the means by which this plan will be funded. The district shall make its facilities consultant, superintendent, and other relevant district employees available for discussions with the United States during this consultative period. The district shall also provide access to the United States and any consultant(s) retained on its behalf to tour the facilities in the district. If, by December 22, 2003, an agreement on a student assignment and facilities plan does not appear to be forthcoming, either party may seek a status conference with the Court regarding a discovery and hearing schedule. The parties agree that implementation of a student assignment and facilities plan should begin by the 2004-05 school year, or as determined by the Court. As required by the August 20, 2002 Consent Order, the district shall not sell any properties or enter into any long-term leases until a mutually acceptable student assignment and facilities plan is developed and approved by the Court.

AND IT IS SO ORDERED

Date

U.S. District Court Judge

WE SO CONSENT:

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