

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF GEORGIA
 VALDOSTA DIVISION

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:70-cv-00861-HL
)	
THE BOARD OF EDUCATION OF)	
VALDOSTA CITY, GEORGIA, <i>et al.</i> ,)	
)	
Defendants)	
)	

**UNITED STATES’ RESPONSE IN OPPOSITION TO
 DEFENDANT BOARD OF EDUCATION OF VALDOSTA CITY’S
 MOTION FOR UNITARY STATUS AND MOTION TO DISMISS**

Pursuant to the Court’s September 6, 2011 Order, the United States hereby submits this response in opposition to the Motion for Unitary Status and Motion to Dismiss (the “Motion”) filed by the Board of Education of Valdosta City, Georgia (the “Board”) on March 21, 2011. As set forth below, the United States objects to a declaration of unitary status in the areas of faculty and staff, and thereby objects to the Board’s motion to dismiss this case. The United States will seek further relief to address the outstanding issues in the case through a voluntary consent order or in a subsequent motion for further relief.

PROCEDURAL HISTORY

The Board previously operated a *de jure* segregated school system in which students and faculty were assigned to schools based on race. This school desegregation lawsuit was initiated by the United States on November 30, 1970. On April 1, 1971, the Board was enjoined from discriminating in the operation of the Valdosta City School District (the “District”) and was ordered to implement a desegregation plan that contained provisions for the desegregation of the District’s

schools in terms of student assignment, faculty and staff assignment, and other factors. The student assignment provisions of the desegregation plan were subsequently modified by orders of this Court in 1979, 1981, and 1992.

On June 30, 2008, the Court approved a consent decree (the “Consent Decree”), the terms of which were negotiated and agreed upon by the Board and the United States. The Consent Decree declared the District partially unitary in the areas of student assignment, transportation, extracurricular activities, and facilities. Consent Decree at 6. The Consent Decree required the Board to undertake a plan of action to meet its affirmative desegregation obligations in the areas of faculty and staff. *Id.* at 6-9. The required actions included adopting a personnel plan addressing the District’s policies and procedures related the recruitment, hiring, and assignment of faculty members;¹ maintaining a database of all applications for employment; ensuring that all school-based faculty are assigned on a non-discriminatory basis; undertaking affirmative efforts to recruit minority faculty; and submitting annual compliance reports to the Court and the United States. *Id.*

The United States has engaged in an ongoing and comprehensive review of this case since the 2008 Consent Decree. The United States’ conclusions described below are based on the Board’s annual compliance reports filed on October 16, 2008 (“2008 Report”), October 15, 2009 (“2009 Report”), October 15, 2010 (“2010 Report”), and October 14, 2011 (“2011 Report”); the Board’s responses to informal and formal information requests, document requests, and interrogatories produced on various occasions between 2008 and 2011; information obtained during the United States’ two-day site visit to the District in November 2010; and other publicly available information.

The Board filed its Motion on March 21, 2011. In a telephonic status conference on May 5, 2011 and a preliminary response to the Motion filed on that date, the United States notified the Court

¹ For the purposes of this memorandum, the term “faculty” will include all school-based administrators, teachers, and certified staff.

that it had identified several areas of concern with the Board's compliance with the Consent Decree, and requested an extension of time to conduct discovery on those issues and file a substantive response. On May 6, 2011, the Court granted the United States' motion for extension of time. The United States sent information requests on several occasions between December 2010 and July 2011 and propounded formal discovery requests and interrogatories on the Board on August 26, 2011, to which the Board responded on October 3, 2011. On September 6, 2011, the Court issued an order extending the discovery period to October 21, 2011, directing the Board to submit timely and complete responses to the United States' then-pending discovery requests, and ordering the United States to file a substantive response to the Motion by November 21, 2011.

LEGAL STANDARD

“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 seeking unitary status must show that it has (1) fully and satisfactorily complied with the court's desegregation decrees for a reasonable period of time; (2) eliminated the vestiges of the prior *de jure* segregation to the extent practicable; and (3) demonstrated a good-faith commitment to the whole of the court's decrees and to the applicable provisions of the law and the Constitution. *See id.* at 491-92; *Board of Educ. of Oklahoma City Pub. Sch. Dist. No. 89 v. Dowell*, 498 U.S. 237, 248-50 (1991); *NAACP, Jacksonville Branch v. Duval Cnty. Sch.*, 274 F.3d 960, 966 (11th Cir. 2001); *Lockett v. Board of Educ. of Muscogee Cnty. Sch. Dist., Ga.*, 111 F.3d 839, 842 (11th Cir. 1997).

A defendant school district has the burden of demonstrating that it has complied with all three prongs of this test. *See United States v. Fordice*, 505 U.S. 717, 739 (1992) (“*Brown* and its progeny . . . established that the burden of proof falls on the *State*, and not the aggrieved plaintiffs, to

establish that it has dismantled its prior *de jure* segregated system.”). A district’s failure or refusal to fulfill its affirmative duty to eradicate the vestiges of its prior dual system continues the constitutional violation. *See Columbus Bd. of Educ. v. Penick*, 443 U.S. 449, 459 (1979). The proper measure of a district’s progress toward unitary status “is the effectiveness, not the purpose,” of its actions. *Dayton Bd. of Educ. v. Brinkman*, 443 U.S. 526, 537-38 (1979); *see also Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 25 (1971). To demonstrate its good-faith commitment, a district must show both past compliance with its desegregation obligations and a commitment to the future operation of 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. Violation of a court’s orders, further acts of discrimination, or other actions that demonstrate a lack of good faith preclude a finding of unitary status with respect to any outstanding factors and a dismissal of a desegregation case. *See id.* at 490. When a district cannot satisfy the good faith inquiry due to violations of operative court orders, enforcement of those orders or an order of further relief by the court is warranted. *Id.* at 499.

ARGUMENT

I. The Board is not entitled to a declaration of unitary status in the areas of faculty and staff because it has violated several core provisions of the Consent Decree.

The Consent Decree required the Board to take action in three areas in order to eliminate the remaining vestiges of segregation in the areas of faculty and staff assignment. The Board was required to (1) review its personnel policies and procedures related to faculty recruitment, hiring, and assignment, and develop and implement a new personnel plan addressing those issues; (2) maintain a database of all applications for employment received by the District, retain all applications for a

three-year period, and consider applicants for all vacancies for which they are qualified during that retention period; and (3) eliminate the racial identifiability of school faculties. Consent Order at 6-8. As explained below, the Board has failed to fully comply with each of these three provisions of the Consent Decree. Although the Board has partially complied with various provisions of the Consent Decree and has made demonstrable progress in desegregating its school-based faculties and recruiting minority faculty members, the Board's failure to reach the goals established in the Consent Decree, coupled with willful noncompliance with certain provisions of the Consent Decree, demonstrate that a declaration of unitary status would be premature and unwarranted at this time.

a. The Board has failed to follow the personnel policies and procedures it adopted pursuant to the Consent Decree.

With respect to personnel policies and procedures, the Consent Decree requires the Board to “complete a review and evaluation of its current personnel policies and procedures related to the recruitment, hiring and assignment of faculty, administrators and certificated staff members,” and, “[w]ithin 90 days of the date of [the] Order, . . . [to] develop a new personnel plan which it will provide to the United States for comment” containing provisions related to training, recruitment, hiring procedures, and assignment of faculty and staff. Consent Decree at 6-7. Furthermore, the Consent Decree requires “[t]he Board, acting through the Superintendent, [to] insure that all principals, other administrators, faculty and certificated staff . . . are informed of the provisions of this Decree, and of the criteria and procedures for disseminating application forms, receiving and processing applications, selecting candidates from among applicants, conducting interviews, and for making the final recommendation to the Board that the selectee be hired.” Consent Decree at 7. The Consent Decree further requires “[t]he Board [to] create a database of all applications received by position, by race (to the extent indicated), by the date the application was received, by highest degree, by rank and type of certificate, and by areas of endorsement for all applications received on

or after July 15, 2008,” to keep applications “for a three-year period from the date of submission,” and to consider applicants “for any and all vacancies (for which he or she qualifies) occurring during the period of retention unless he or she indicates no further interest in employment with the Board.” Consent Decree at 7.

The Board created the required personnel plan in consultation with the Southeastern Equity Center and counsel for the United States, which it has updated annually. *See* 2009 Report, Ex. A; 2010 Report, Ex. A; 2011 Report, Ex. A. The plan contains various provisions addressing personnel recruiting, interviewing, hiring, and faculty assignment procedures, including the reassignment of faculty if needed to comply with the Consent Decree. The plan lists the members of the District’s recruitment team and interview panel, provides the off-campus recruitment schedule for the respective school year, and describes certain incentives and initiatives intended to attract minority faculty candidates.

The United States recognizes the Board’s efforts to maintain diverse recruiting and interviewing teams each year, to affirmatively recruit at historically black colleges and universities, and to adopt other measures to attract minority candidates. Those efforts appear to have proven successful in the short-term: the percentage of black faculty members in the current school year is 35.7 percent, 4.1 percentage points higher than in 2007-2008 and higher than each of the previous two school years. *See* Appendix A. Nevertheless, the United States has determined that the Board is failing to comply with certain important provisions of the recruitment, hiring, and interview procedures contained in the plan.

First, the Board is not adhering consistently to its job posting policies, described in the 2010 and 2011 iterations of the personnel plan as follows:²

Each of our schools is sent a hard copy vacancy announcement to post on their individual school boards to include the central office departments. In addition to hard copies, administrators are sent job announcements to forward to their staff via email. Job announcements are posted on www.TeachGeorgia.org and sent to Coastal Plains Regional Educational Service Agency (CPRESA), Department of Labor, Valdosta State University, Wire Grass Georgia Technical College, and Moody Air Force Base for their job boards. Vacancy notices are also sent to our neighboring schools and to all colleges and universities that the team attends recruitment fairs with. *With vacancy announcements being posted at the school level, this gives all staff opportunity for transfers and promotions.*

2011 Report, Ex. A, at 3 (emphasis added).

In sworn deposition testimony in a separate employment discrimination case currently pending before this Court, *Haugabrook v. Valdosta City Schools*, No. 7:10-CV-00060-HL (M.D. Ga.), transcripts of which have been posted on the Court's CM/ECF system, Superintendent William Cason and Director of Human Resources Sheila Mason admitted that the District has a longstanding practice of filling certain job vacancies without posting or interviewing for those vacancies as required by the personnel plan and Board policy, typically but not exclusively positions at or above the assistant principal level. Transcript of Deposition of William Cason, Sr. at 30-31, *Haugabrook*, No. 7:10-CV-00060-HL (Aug. 11, 2011), ECF No. 74 ("Cason Transcript") (stating "this has been an ongoing practice in this district for many, many years where certain positions are not posted; especially those that . . . are local people with good qualifications, and we know they're the right people, they are not posted. . . . This policy was in place, but there was a practice outside the policy."); Transcript of Deposition of Sheila Mason at 57-69, *Haugabrook*, No. 7:10-CV-00060-HL

² The language in the 2009 personnel plan differed slightly, and read as follows: "Open positions are posted on our school job portal, TeachGeorgia, DOL, VSU, Val Tech, and Moody job boards. Vacancy notices are also sent to our neighboring schools and to all colleges/universities that the team attends recruitment fairs with. Each of our schools is also sent a vacancy announcement for all open positions to post. With vacancy notices being posted at the school level, this gives all staff opportunity for transfers and promotions." 2009 Report, Ex. A, at 3.

(June 28, 2011), ECF No.69 (“Mason Transcript”). Since the entry of the Consent Decree, the Board has filled at least three school-based faculty positions through this informal process in violation of its personnel plan. These include the principal and assistant principal positions at Southeast Elementary School and the District’s Race to the Top coordinator position (described as a school-based teaching position with responsibilities below those of an assistant principal).³ Cason Transcript at 35, 38-39, 103-04; Mason Transcript at 61-62, 65-67.

Based on these admissions, the Board is violating the provisions of the personnel plan that require all positions to be posted, in part to “give all staff opportunity for transfers and promotions,” and, consequently, the related provisions requiring the board to consider and interview all qualified applicants for all available school-based positions. Furthermore, the Superintendent’s admission that the District regularly follows a “practice outside the policy” calls into question the Board’s good-faith commitment to fully implementing the terms of the remainder of its personnel policies and procedures and of the Consent Decree itself.

b. The faculty demographics at several schools continues to further the racial identifiability of those schools.

The Consent Decree required “[t]he Board [to] develop and implement a strategy to ensure that no school is identified as a white or a black school by the race of the faculty assigned thereto,” to ensure that “[a]ll school-based faculty and certificated staff will be assigned on a non-

³ Dr. Cason also testified that he had previously offered the Assistant Director position at Pinevale Learning Center to an individual without posting the position. Cason Transcript at 30. Additionally, the practice has been used to fill several District-level administrator vacancies, which are not subject to the Consent Decree. The United States recognizes that both black and white employees have been extended offers for school-based employment through this practice, but notes that both Southeast Elementary School positions were initially offered to black employees, as was the earlier Pinevale Learning Center position and the two central office positions. It bears noting Southeast and Pinevale are racially identifiable black schools, and, along with J.L. Newbern Middle School, are the only schools where the percentage of black students has exceeded 95 percent of the student body every year since the entry of the Consent Decree. By filling—or attempting to fill—vacancies at these schools with hand-picked black administrators, the District may be preventing qualified white applicants from seeking those positions, and conversely, may be reducing the likelihood that these individuals obtain positions at other schools in the District. Regardless of the District’s intent with respect to any of these vacancies or others, the practice contravenes the District’s obligations pursuant to the Consent Decree and may fuel a perception within the District that discrimination is a factor in hiring decisions.

discriminatory basis such that the proportion of minority faculty and certificated staff at each school is within 15 percent of the . . . district-wide average by the 2010-11 school year,” and to “develop an affirmative recruitment strategy to encourage applications for or transfers to teaching positions at all schools in the District.” Consent Decree at 7-8. “To the extent that affirmative recruitment efforts do not succeed at achieving the goal by the 2009-10 school year, the Board will implement further actions in order to address this issue, to include but not [be] limited to, the reassignment of faculty.” *Id.* at 8.

In the 2007-2008 school year, the Board employed 440.1 full-time equivalent (FTE) teachers and certified staff in its regular elementary schools, middle schools, and high school, of whom 157.3 FTE (35.7%) were black and 378.8 FTE (86.1%) were white.⁴ Consent Decree at 12. That year, the percentage of black faculty members deviated by more than fifteen percentage points at four of the Board’s five elementary schools (J.L. Lomax, Southeast, Sallas Mahone, and S.L. Mason), and one of its two middle schools (J.L. Newbern). Of these schools, the percentage of black faculty members at the racially identifiably black schools (J.L. Lomax, Southeast, and Newbern) exceeded the District-wide average by more than fifteen points, but fell more than fifteen points below the District-wide average at the district’s only majority-white school (Sallas Mahone).⁵ Thus, the assignment of faculty at the time of the Consent Decree furthered the racial identifiability of all but three of the District’s regular schools.

The Board made virtually no progress in desegregating its faculties in the first year of the Consent Decree. In the 2008-2009 school year, five schools remained outside the required ratios.

⁴ The 2007-2008 figures do not include faculty and certified staff assigned to the Board’s two alternative schools, Pinevale Learning Center and Valdosta Early College Academy, in the 2007-2008 school year.

⁵ Racial identifiability is defined as a black student population more than 15 percentage points above or below the District-wide average. Although the Court dismissed the student assignment factor in the Consent Decree, the majority of the District’s schools remain racially identifiable, such that the assignment of faculty members can further the racial identifiability of those schools. *See* Appendix B.

See Appendix A. By 2009-2010, the faculties at only two schools, S.L. Mason Elementary School and J.L. Newbern Middle School, were outside the required ratios. In 2010-2011, the year in which the Board was required to bring all school faculties within the required ratios, J.L. Newbern was the sole school remaining out of compliance.⁶ See Appendix A. This year, J.L. Newbern remains out of compliance and the percentage of black faculty members at Sallas Mahone Elementary School, where black students remain in the minority, has once again dipped below the required ratio. *Id.*

In its Motion, the Board concedes that J.L. Newbern has never been in compliance, yet cites “issues regarding middle school teacher certification and Georgia Department of Education requirements” as barriers to full compliance. Motion at 4-7. The United States acknowledges these challenges and credits the Board with ordering involuntary reassignments of faculty members between the two middle schools to come into compliance by the start of the 2010-2011 school year. Nevertheless, the United States is still concerned that the Board has failed to consider other options, including those suggested by the United States in communications during the term of the Consent Decree, that would ensure full compliance. For example, numerous teachers, administrators, and certified staff members throughout the school system hold multiple certifications, including certifications that would enable them to teach or provide services at the middle school level (*e.g.*, P-12, P-8, Middle Grades). At Sallas Mahone Elementary School, which consistently has the lowest percentage of black faculty members in the District, 27 white faculty members and 12 black faculty members (collectively, over half the faculty) in 2010 held certifications enabling them to be assigned to a middle school. Similarly, at J.L. Newbern Middle School, 18 white faculty members and 20 black faculty members (collectively, over three-fourths of the faculty) in 2010 held certifications

⁶ The percentage of black faculty at Pinevale Learning Center also exceeded the District-wide average by more than fifteen points, but the parties have agreed that the alternative schools were not subject to the faculty ratio requirements of the Consent Decree.

(*e.g.*, 4-8, P-12, P-5) enabling them to teach at the elementary school level. Even excluding subject-specific Middle Grade (4-8) certifications, at least seven white faculty members at Newbern possessed Early Childhood Education (P-5) or P-12 certifications in 2010.

Recognizing the various limitations on reassigning faculty between schools, the Board has not demonstrated that it actively considered all options available to reach compliance including, but not limited to, transferring qualified white faculty members into J.L. Newbern from other schools, transferring qualified black faculty members from J.L. Newbern to an elementary school or the high school, or adopting some other measure. The undisputed fact remains that Newbern remains out of compliance a full year after the Board was required to achieve the goals set forth in the Consent Decree, with the percentage of black faculty exceeding the District-wide average by 23 points. Sallas Mahone has fallen back out of compliance, and S.L. Mason Elementary, which was non-compliant until the 2010-2011 school year, continues to teeter on the outside edge of the required ratios. The Board's actual noncompliance at Newbern—coupled with the short-lived compliance at Sallas Mahone and tenuous compliance at S.L. Mason—demonstrates that the Board has not yet fully eradicated the vestiges of segregation in its school faculties and needs additional time and effort to satisfy the requirements for unitary status.

CONCLUSION

For the reasons stated above, the United States objects to a declaration of unitary status in the areas of faculty and staff and respectfully requests that the Court deny the Board's Motion for Unitary Status and Motion to Dismiss. In the interim, the United States will seek to negotiate a mutually agreeable consent order with the Board to address the areas of violation outlined above, with the goal of allowing the Board to attain full compliance with the letter and spirit of its desegregation obligations in short order. Should the Board take appropriate steps that serve to fully

and effectively eradicate the remaining vestiges of desegregation in the Valdosta City Schools, the United States remains willing to entertain a future motion for unitary status. In the event the Court allows the Board's Motion to go forward, the United States requests that the Court hold a unitary status hearing prior to entry of any order dismissing the case, with a sufficient period of time before such hearing to conduct any additional discovery or depositions that may be necessary.

Dated: November 21, 2011

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Respectfully submitted,

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Appendix A

Valdosta City Schools – Faculty Assignment (Teachers, Administrators, and Certified Staff)															
<i>School</i>	2007-08			2008-09			2009-10			2010-11			2011-12		
	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total
JL Lomax ES	<i>14</i> <i>(46.7%)</i>	<i>16</i> <i>(53.3%)</i>	30	<i>22</i> <i>(41.1%)</i>	<i>31.5</i> <i>(58.9%)</i>	53.5	<i>25</i> <i>(42.2%)</i>	<i>34.2</i> <i>(57.8%)</i>	59.2	<i>19</i> <i>(32.2%)</i>	<i>40</i> <i>(67.8%)</i>	59	<i>32.5</i> <i>(64.4%)</i>	<i>18</i> <i>(35.6%)</i>	50.5
Sallas Mahone ES	<i>4</i> <i>(11.4%)</i>	<i>31</i> <i>(88.6%)</i>	35	<i>10</i> <i>(12.0%)</i>	<i>73</i> <i>(88.0%)</i>	83	<i>17</i> <i>(20.7%)</i>	<i>65</i> <i>(79.3%)</i>	82	<i>14</i> <i>(19.6%)</i>	<i>57.5</i> <i>(80.4%)</i>	71.5	<i>13</i> <i>(18.2%)</i>	<i>58.5</i> <i>(81.8%)</i>	71.5
SL Mason ES	<i>5</i> <i>(13.2%)</i>	<i>33</i> <i>(86.8%)</i>	38	<i>48</i> <i>(64.0%)</i>	<i>27</i> <i>(36.0%)</i>	75	<i>11</i> <i>(14.3%)</i>	<i>66</i> <i>(85.7%)</i>	77	<i>14</i> <i>(21.5%)</i>	<i>51</i> <i>(78.5%)</i>	65	<i>14</i> <i>(20.9%)</i>	<i>53</i> <i>(79.1%)</i>	67
Southeast ES	<i>16</i> <i>(69.6%)</i>	<i>7</i> <i>(30.4%)</i>	23	<i>27</i> <i>(70.1%)</i>	<i>11.5</i> <i>(29.9%)</i>	38.5	<i>17.5</i> <i>(53.0%)</i>	<i>15.5</i> <i>(47.0%)</i>	33	<i>14</i> <i>(44.4%)</i>	<i>17.5</i> <i>(55.6%)</i>	31.5	<i>16</i> <i>(41.0%)</i>	<i>23</i> <i>(59.0%)</i>	39
WG Nunn ES	<i>13</i> <i>(26.0%)</i>	<i>37</i> <i>(74.0%)</i>	50	<i>12</i> <i>(16.0%)</i>	<i>63</i> <i>(84.0%)</i>	75	<i>20</i> <i>(26.3%)</i>	<i>56</i> <i>(73.7%)</i>	76	<i>20</i> <i>(23.8%)</i>	<i>64</i> <i>(76.2%)</i>	84	<i>23</i> <i>(28.0%)</i>	<i>59</i> <i>(72.0%)</i>	82
JL Newbern MS	<i>28</i> <i>(60.9%)</i>	<i>18</i> <i>(39.1%)</i>	46	<i>36</i> <i>(64.3%)</i>	<i>20</i> <i>(35.7%)</i>	56	<i>51</i> <i>(75.6%)</i>	<i>16.5</i> <i>(24.4%)</i>	67.5	<i>28</i> <i>(51.9%)</i>	<i>26</i> <i>(48.1%)</i>	54	<i>32</i> <i>(58.7%)</i>	<i>22.5</i> <i>(41.3%)</i>	54.5
Valdosta MS	<i>13</i> <i>(30.2%)</i>	<i>30</i> <i>(69.8%)</i>	43	<i>18</i> <i>(28.1%)</i>	<i>46</i> <i>(71.9%)</i>	64	<i>20.5</i> <i>(29.1%)</i>	<i>50</i> <i>(70.9%)</i>	70.5	<i>35.5</i> <i>(47.0%)</i>	<i>40</i> <i>(53.0%)</i>	75.5	<i>28</i> <i>(40.3%)</i>	<i>41.5</i> <i>(59.7%)</i>	69.5
Valdosta HS	<i>19</i> <i>(21.3%)</i>	<i>70</i> <i>(78.7%)</i>	89	<i>68</i> <i>(35.4%)</i>	<i>124</i> <i>(64.6%)</i>	192	<i>45</i> <i>(28.0%)</i>	<i>116</i> <i>(72.0%)</i>	161	<i>49</i> <i>(29.0%)</i>	<i>120</i> <i>(71.0%)</i>	169	<i>43</i> <i>(29.4%)</i>	<i>103.5</i> <i>(70.6%)</i>	147
Pinevale Learning Ctr.	*	*	*	*	*	*	<i>15</i> <i>(55.6%)</i>	<i>12</i> <i>(44.4%)</i>	27	<i>15</i> <i>(53.6%)</i>	<i>13</i> <i>(46.4%)</i>	28	<i>14</i> <i>(52.8%)</i>	<i>12.5</i> <i>(47.2%)</i>	26.5
Valdosta Early College Acad.	*	*	*	*	*	*	*	*	*	*	*	*	<i>5</i> <i>(50.0%)</i>	<i>5</i> <i>(50.0%)</i>	10
<i>District-wide</i>	<i>112</i> <i>(31.6%)</i>	<i>242</i> <i>(68.4%)</i>	354	<i>241</i> <i>(37.8%)</i>	<i>396</i> <i>(62.2%)</i>	637	<i>222</i> <i>(34.0%)</i>	<i>431.2</i> <i>(66.0%)</i>	653	<i>208.5</i> <i>(32.7%)</i>	<i>429</i> <i>(67.3%)</i>	638	<i>220.5</i> <i>(35.7%)</i>	<i>396.5</i> <i>(64.3%)</i>	617

Sources: 2008 Consent Order, Attachment A; 2008-2011 Compliance Reports

Italics indicate a ratio of black faculty members more than 15 percentage points above or below the District-wide average.

* Data not provided by Board.

Appendix B

Valdosta City Schools – Student Demographics															
<i>School</i>	2007-08			2008-09			2009-10			2010-11			2011-12		
	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total	Black	White/ Other	Total
JL Lomax ES	537 <i>(93.1%)</i>	40 <i>(6.9%)</i>	577	536 <i>(92.9%)</i>	41 <i>(7.1%)</i>	577	608 <i>(93.7%)</i>	41 <i>(6.3%)</i>	649	561 <i>(92.6%)</i>	45 <i>(7.4%)</i>	606	542 <i>(94.1%)</i>	34 <i>(5.9%)</i>	576
Sallas Mahone ES	300 <i>(46.2%)</i>	350 <i>(53.8%)</i>	650	524 <i>(50.9%)</i>	505 <i>(49.1%)</i>	1029	460 <i>(47.8%)</i>	503 <i>(52.2%)</i>	963	455 <i>(49.1%)</i>	472 <i>(50.9%)</i>	927	506 <i>(49.4%)</i>	519 <i>(50.6%)</i>	1025
SL Mason ES	471 <i>(71.8%)</i>	185 <i>(28.2%)</i>	656	726 <i>(74.4%)</i>	250 <i>(25.6%)</i>	976	655 <i>(73.3%)</i>	239 <i>(26.7%)</i>	894	645 <i>(72.7%)</i>	242 <i>(27.3%)</i>	887	592 <i>(70.9%)</i>	243 <i>(29.1%)</i>	835
Southeast ES	423 <i>(95.9%)</i>	18 <i>(4.1%)</i>	441	445 <i>(95.1%)</i>	23 <i>(4.9%)</i>	468	300 <i>(94.6%)</i>	17 <i>(5.4%)</i>	317	347 <i>(94.3%)</i>	21 <i>(5.7%)</i>	368	368 <i>(95.3%)</i>	18 <i>(4.7%)</i>	386
WG Nunn ES	685 <i>(90.3%)</i>	74 <i>(9.7%)</i>	759	678 <i>(86.9%)</i>	102 <i>(13.1%)</i>	780	986 <i>(90.6%)</i>	102 <i>(9.4%)</i>	1088	999 <i>(88.7%)</i>	127 <i>(11.3%)</i>	1126	1030 <i>(89.1%)</i>	126 <i>(10.9%)</i>	1156
JL Newbern MS	619 <i>(94.4%)</i>	37 <i>(5.6%)</i>	656	655 <i>(93.0%)</i>	49 <i>(7.0%)</i>	704	539 <i>(95.1%)</i>	28 <i>(4.9%)</i>	567	504 <i>(94.0%)</i>	32 <i>(6.0%)</i>	536	593 <i>(95.3%)</i>	29 <i>(4.7%)</i>	622
Valdosta MS	611 <i>(64.8%)</i>	332 <i>(35.2%)</i>	943	573 <i>(64.7%)</i>	312 <i>(35.3%)</i>	885	646 <i>(67.3%)</i>	314 <i>(32.7%)</i>	960	682 <i>(68.9%)</i>	308 <i>(31.1%)</i>	990	597 <i>(65.7%)</i>	311 <i>(34.3%)</i>	908
Valdosta HS	1362 <i>(74.2%)</i>	474 <i>(25.8%)</i>	1836	1479 <i>(75.3%)</i>	484 <i>(24.7%)</i>	1963	1308 <i>(73.2%)</i>	480 <i>(26.8%)</i>	1788	1260 <i>(72.5%)</i>	478 <i>(27.5%)</i>	1738	1291 <i>(72.0%)</i>	503 <i>(28.0%)</i>	1794
Pinevale Learning Ctr.	*	*	*	*	*	*	267 <i>(96.0%)</i>	11 <i>(4.0%)</i>	278	247 <i>(95.4%)</i>	12 <i>(4.6%)</i>	259	215 <i>(95.6%)</i>	10 <i>(4.4%)</i>	225
Valdosta Early College Acad.	*	*	*	*	*	*	*	*	*	*	*	*	110 <i>(79.1%)</i>	29 <i>(20.9%)</i>	139
District-wide	5008 <i>(76.8%)</i>	1510 <i>(23.2%)</i>	6518	5616 <i>(76.1%)</i>	1766 <i>(23.9%)</i>	7382	5769 <i>(76.9%)</i>	1735 <i>(23.1%)</i>	7504	5700 <i>(76.6%)</i>	1737 <i>(23.4%)</i>	7437	5844 <i>(76.2%)</i>	1822 <i>(23.8%)</i>	7666

Sources: 2008 Consent Order, Attachment A; 2008-2011 Compliance Reports

Italics indicate a black student population more than 15 percentage points above or below the District-wide average.

* Data not provided by Board.

CERTIFICATE OF SERVICE

I hereby certify that, on this 21st day of November, 2011, I served an electronic copy of the foregoing Response to Defendant's Motion for Unitary Status and Motion to Dismiss to the following counsel of record via the Court's CM/ECF system:

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