

1210-4

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IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI  
**FILED**  
AUG 11 1970  
BY ROBERT C. THOMAS, CLERK  
DEPUTY

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE STATE OF MISSISSIPPI, )  
 et al., )  
 )  
 Defendants. )

CIVIL ACTION NO. 4706

ORDER

(WAYNE COUNTY SCHOOL DISTRICT)

This cause having come on for hearing on the complaint of the United States; and the Wayne County School District having prepared and filed a student assignment plan for the desegregation of its public school system and having moved this Court to approve and adopt said plan for immediate implementation; and the United States having also moved this Court for approval and implementation of the School District's student assignment plan and for other relief; and this Court being of the opinion that immediate implementation of the School District's student assignment plan and the further relief requested by the United States will satisfy the ends of justice in this case; it is therefore

ORDERED

That the defendants, their successors, officers, employees and agents, including the Wayne County School District, the Superintendent of the Wayne County School District and the Wayne County Board of Education, and all those in active concert or participation with them be and they hereby are enjoined from

109-47-34  
DEPARTMENT OF JUSTICE R  
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1. Discriminating against any student on the basis of race or color in the operation of the Wayne County School District and failing or refusing to immediately terminate the operation of a dual system of schools based on race and to operate, now and hereafter, a single, non-racial unitary system of public schools;

2. Failing or refusing to immediately announce and implement the student assignment plan prepared and filed by the Wayne County School District, which is incorporated herein by reference;

3. Failing or refusing to immediately terminate the operation of a racially dual and overlapping system of school bus transportation, and to operate, now and hereafter, a single, non-racial school bus transportation system;

4. Failing or refusing to take such other steps as are reasonable and necessary to terminate operation of a dual system of public schools. Such steps shall include the provisions set out in Attachments A and B.

The Court shall retain jurisdiction of this cause to insure full compliance with this order and to modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

The Clerk is directed to mail certified copies of this Order to counsel for all parties and counsel for the School District.

ORDERED this 10th day of August, 1970.

Walter R. Nixon, Jr.  
UNITED STATES DISTRICT JUDGE

A TRUE COPY, I HEREBY CERTIFY.  
ROBERT C. THOMAS, CLERK  
BY:

J. Mall  
Deputy Clerk

ATTACHMENT A

A. Desegregation of Faculty and Other Staff.

The school board shall announce and implement the following policies:

1. All principals, teachers, teachers-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 assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

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.

2. 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.

3. 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 member 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 non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. 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 re-assignment (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 in such a reasonable period.

B. Majority to Minority Transfer Policy

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school where his race is in the minority. All such transferring students are to be given priority for space being available. All such transferring students must be given transportation if they desire it.

C. Transportation

The transportation system of the school district shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

D. School Construction and Site Selection

All school construction and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

E. Attendance Outside System of Residence

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.

F. Desegregation of Classroom, Non-classroom and Extra-Curricular Activities

The school district shall be prohibited from maintaining any classroom, non-classroom, or extra-curricular activity on a segregated basis, so that no student is effectively excluded from attending any class or participating in any non-classroom or extracurricular activity on the basis of race, color, or national origin.

ATTACHMENT B  
REPORTS TO THE COURT

On October 15, 1970 and March 15, 1971, and on the same date annually thereafter until further order of this Court, defendants shall file with the Clerk of this Court a report setting forth the following information:

I.

(a) The number of students by race enrolled in the school district;

(b) The number of students by race enrolled in each school of the district;

(c) The number of students by race enrolled in each classroom in each of the schools in the district.

II.

(a) The number of full time teachers by race in the district;

(b) The number of full time teachers by race in each school in the district;

(c) The number of part time teachers by race in the district;

(d) The number of part time teachers by race in each school in the district.

III.

Describe the requests and the results which have accrued, by race, under the majority to the minority transfer provision.

IV.

State 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.

V.

State whether the transportation system, if any, in the district is desegregated to the extent that Negro and white students are transported daily on the same buses.

VI.

State whether all facilities such as gymnasiums, auditoriums, and cafeterias are being operated on a desegregated basis.

VII.

Give a brief description of any present or proposed construction or expansion of facilities.

VIII.

(a) State whether the school board has sold or abandoned any school facility, equipment, or supplies having a total value of more than \$500.00 since this Court's order.



IX.

(a) State whether there is a bi-racial advisory committee to the school board in the school district;

(b) If so, state whether the bi-racial advisory committee has submitted recommendations to the board of education;

(c) If so, state the number and disposition of such recommendations;

(d) If a bi-racial committee is in existence, state briefly the areas of the education process in which the bi-racial committee is to function.

Copies of reports are to be served on counsel for plaintiffs.