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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

03/07/01
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**RICHARD LANDOW, as next friend of
KAYLA LANDOW, as representative of a
class of similarly situated persons,**

Plaintiff,

-vs-

Case No. 6:97-CIV-1463-ORL-22KRS

**SCHOOL BOARD OF BREVARD
COUNTY,**

Defendant.

FINAL ORDER AND PERMANENT INJUNCTION

On December 15, 2000, following a bench trial, the Court issued a Memorandum Decision and Order (Doc. 171) declaring that the School Board of Brevard County had violated Title IX, 20 U.S.C. § 1681, and the Florida Educational Equity Act, Fla. Stat. § 228.2001, by virtue of disparities between the boys' baseball and girls' softball programs at Astronaut and Titusville High Schools. As a result, the Court determined that the Plaintiff class was entitled to injunctive relief. Accordingly, the Court directed the parties to submit a joint plan for remedying the inequalities identified in the memorandum decision, or, if they could not reach agreement, to file separate proposals.

In accordance with the Court's direction, on March 5, 2001, the parties submitted a Stipulated Joint Plan (Doc. 173). Under the Plan, new softball fields will be constructed at Astronaut and Titusville High Schools. The parties represent that these playing fields will be dedicated for the exclusive use of the girls' softball teams, and that the fields, "and their associated amenities, will be substantially equivalent to those provided to the boys' baseball teams at those high schools." Doc. 173

174

at 3. Counsel state that the School Board has already approved the funding for the construction of the two new softball fields, and that the School Board can begin construction in March 2001 so that the fields will be ready for play by the summer of 2001.

The Court determines that the proposal outlined in the Stipulated Joint Plan constitutes an adequate and effective remedy for the gender equity violations identified in the December 15th Memorandum Decision and Order. The Court commends counsel and the parties for submitting an agreed plan.

Based on the foregoing, it is ORDERED as follows:

1. The Stipulated Joint Plan (Doc. 173) is APPROVED.
2. Not later than March 31, 2001, the School Board shall begin demolishing the Riverview Elementary facility at Titusville High School, and shall thereafter promptly commence construction of a girls' softball field at Titusville High School on the Riverview site. In accordance with the School Board's stated goal of having the new field built in time for the girls' softball team to practice on it before the playing season begins, the School Board shall ensure that construction is completed and the field is ready for play by the first day of classes in the 2001-2002 school year. As outlined in the Stipulated Joint Plan, "[t]he field will have appropriate fencing, bleachers providing seating for 60 on each side of the diamond, dugouts, with refrigerated water, an electronic scoreboard, a batting cage, and a pitching warmup area." Doc. 173 at 2. Additionally, the new softball field "will be lighted and a concession/restroom/pressbox/storage facility will also be constructed." *Id.*
3. Not later than March 31, 2001, the School Board shall commence construction of a girls' softball field at Astronaut High School. The softball field will be built next to the existing baseball field. The School Board shall ensure that construction is completed and the new field is ready for play

by the first day of classes in the 2001-2002 school year. As outlined in the Stipulated Joint Plan, the field will have a backstop and 6' fencing, "bleachers seating 60 on both sides of the diamond, dugouts with refrigerated water for each team, an electronic scoreboard, a batting cage, a warmup area, and an 8x12 storage shed." Doc. 173 at 2-3.

4. Not later than March 30, 2001, the School Board shall notify the student bodies of Astronaut and Titusville High Schools that the two new softball fields are being built.

5. Henceforth, the School Board shall ensure that there are no disparities that would violate Title IX and the Florida Educational Equity Act in its girls' softball and boys' baseball programs throughout Brevard County.

6. The Clerk shall close this case.

DONE and **ORDERED** in Orlando, Florida this 7th day of March, 2001.


ANNE C. CONWAY
UNITED STATES DISTRICT JUDGE

 Copies furnished to:

Counsel of Record
Unrepresented Parties
Administrative Law Clerk