

Comparison: Equalization of Facilities

1. Basic similarities. The provision in our proposed decree relating to the equalization of facilities imposes two obligations upon the State Superintendent. First, it obliges him to formulate a comprehensive plan for equalization to be submitted to the Court and the parties within 120 days after the entry of the decree, and second, it requires him to give special treatment for applications for teacher units for vocational teachers and teachers of exceptional children. In their brief, plaintiffs state that, subject to two modifications to be discussed below, they "substantially adopt the Government's proposed decree for equalization of facilities." Their proposed decree does not actually have a provision incorporating the relevant portions of our proposed decree, but presumably this omission is an oversight.

2. Equalization of physical facilities. We require the comprehensive plan for equalization to include a provision for bringing the quality of the physical facilities of schools previously maintained for Negro students up to the level of the quality of the physical facilities for schools maintained for white students. Plaintiffs, on the other hand, deal with the physical facilities disparity of Negro schools under their provision relating to school construction and consolidation, which looks toward the closing rather than the improvement of such schools. Their brief reads: "Plaintiffs believe that the improvement of small, inadequate schools other than a systematic and comprehensive plan as proposed in Paragraph I of the plaintiffs' proposed decree will serve to perpetuate discrimination."

3. Inventories. Plaintiffs state that absent certain inventories, no enforceable equalization plan can be envisioned, and therefore they include within their proposed decree provisions relating to the compilation and submission of certain inventories. These are the pertinent provisions:

(a) The proposed decree obliges the State Superintendent to "require" all local school systems to submit to him inventories, which he in turn will submit to the Court.

(b) One inventory relates primarily to equipment in the schools: the number of books in school libraries or rooms; the number of encyclopedias; scientific equipment; projectors; athletic equipment and textbooks. The other inventory relates to courses; each local school system must compile a list of "each course taught in each school during the current school year."

(c) In the equipment inventory, there must be an indication which items are assigned to two or more schools and the basis of the allocation, and the decree enjoins the State Superintendent to require that the authenticity of the equipment inventory be sworn to by the principal of the school to which the equipment is assigned or another person familiar with the equipment.

(d) The State Superintendent is to require the local school systems to submit the inventories to him within 30 days of the entry of the decree, and he is to submit them to the Court within 5 days after he has received them.