

File

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAY 03 1978

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WILLIE EUGENE PITTS, et al.)	
)	CIVIL ACTION
)	
vs.)	
)	
)	NO. 11946
JIM CHERRY, et al.)	

ORDER

This school desegregation case is now before the court on plaintiffs' motion for supplemental relief and defendants' motion to allow a change of school attendance zones.

By order of June 12, 1969, the court directed that "the County Board ... in expanding existing facilities ... do so with the objective of eradicating segregation and perpetuating desegregation." Plaintiffs contend that defendants are in violation of this order in that on February 13, 1978, they voted to construct an additional eight classrooms at Flat Shoals Elementary School, a predominantly black school. Plaintiffs argue that such construction is designed to contain the growing population of black students in the Flat Shoals district in that district and that such containment is contrary to the instructions of this court. Plaintiffs also note that near to Flat Shoals are three predominantly white schools which have additional space. In a letter to the court, defendants contend that the construction at Flat Shoals is necessitated by the expansion of the kindergarten and other programs rather than by any attempt to contain the black school population in one area.

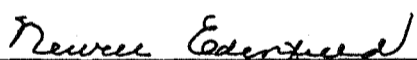
Plaintiffs further assert that defendants' decision to close Heritage Elementary School, a school in the northern part of the county with a successful majority-to-minority (M-to-M) program,

is improper. Defendants, in their motion to allow a change of attendance zones, justify the closing by noting the drastically declining school population in that district. They also explain that the facility is to be converted into a special education center. Plaintiffs argue that other schools in the northern part of the county also have declining enrollments and do not have successful M-to-M programs and that one of these schools should be closed instead of Heritage.

Finally, plaintiffs request that the authority of the Biracial Committee be clarified. To assist in this endeavor the Committee has submitted certain proposed guidelines for the court's consideration.*

In order that these issues may be more fully developed, a hearing on these matters will be held on May 15, 1978, at 10:00 o'clock, A.M., in Room 318 of the United States Courthouse, Atlanta, Georgia.

So ordered, this 3rd day of May, 1978.



NEWELL EDENSFIELD
United States District Judge

* In June, 1977, the court directed plaintiffs and defendants to submit proposed guidelines and both had done so by the end of August. The court, however, has never formally resolved this issue.