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JAMES N. HATTEN, Clerk
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
and)
)
CHARLES RIDLEY, JR., <u>et al.</u> ,)
)
Plaintiff-Intervenors,)
)
vs.)
)
THE STATE OF GEORGIA, <u>et al.</u> ,)
(City of Decatur School District))
)
Defendants.)

1:69-cv-12972-RLV
Civ. No. 70-251-S
CITY OF DECATUR
SCHOOL DISTRICT

AGREED ORDER OF DISMISSAL

In January 2003, the United States initiated a review of the City of Decatur School District ("District"). Based on a review of the information and data provided by the District, the United States advised the City of Decatur School District that it has fulfilled its affirmative desegregation obligations under the Fourteenth Amendment and applicable federal law, entitling the District to a declaration of unitary status. As indicated by the signatures of counsel below, the parties respectfully request that the Court approve this Agreed Order of Dismissal, declaring that the City of Decatur School District has achieved unitary status and dismissing this case.

I. PROCEDURAL HISTORY

This action was brought by the United States in 1969, pursuant to Section 407 of Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, *et seq.*, against the State of Georgia and eighty-one school districts, including the City of Decatur School District (the "Board" or "District"). Charles Ridley, Jr., and others subsequently joined this action to address statewide issues as Plaintiff-Intervenors on behalf of all black students. The United States and Plaintiff-Intervenors alleged unlawful operation of a racially dual system of public education in violation of the Fourteenth Amendment to the Constitution and Title IV.

In its December 17, 1969 Order, as subsequently modified, the Court issued a detailed regulatory injunction requiring each of the individual school districts to establish a fully desegregated school system in compliance with Brown v. Board of Education, 347 U.S. 483 (1954).

By Order of July 23, 1973, the Court held that several school districts -- though not the City of Decatur School District -- had made significant progress towards reaching unitary status. Order of 7/23/73, at 3-4. Accordingly, the Court dissolved the detailed regulatory injunction and replaced it with a permanent injunction that required each of these school districts to take no action tending to racially segregate students or faculty by or within schools, and which addressed student transfers, transportation, school construction, consolidation and site selection, and teacher hiring, assignment, promotion, dismissal, and pay. Id. at 6-7. The injunction specifically commanded that "[a]ll school construction, school consolidation and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the reoccurrence of the dual school structure." Id. at 7. Finally, the Court placed these

school districts on the inactive docket, subject to being re-activated on application by any party or on the Court's own motion. Id. at 8.

As to the three remaining school districts -- the City of Decatur School District, as well as the Newton County and Rome City School Districts -- the Court held that they would "remain as active parties to this cause and shall continue to comply with all of the requirements of this Court's order of December 17, 1969, as subsequently modified" Id. at 4.

On December 4, 1979, the Court concluded, without objection by Plaintiff, that the City of Decatur School District desegregation case should be placed on the inactive docket. Order of 12/4/79. As it did with the earlier group of school districts, the Court "retain[ed] complete jurisdiction to vacate this order and to reopen the action upon cause shown that further litigation is necessary." Id. There was little activity in this litigation between 1979 and 2003.

In January of 2003, the Board of Education of the City of Decatur ("Board") asked its legal counsel to review the above-captioned case and to provide the Board with an update on the status of the case and any orders issued in the case because the Board was undertaking a search for a new superintendent who would be asked to devise a strategic plan for the school system. The Board anticipated that the strategic plan might involve some form of school consolidation. In May of 2003, approximately one month before the new superintendent assumed her responsibilities and commenced work at the District, the United States contacted the District to request information concerning the operation of the District relative to the 1979 Order and applicable federal case law. The District responded to the information request and, during the same time period, the superintendent created a strategic plan with several options that proposed the consolidation of six K-5 elementary schools into three K-3 schools and one 4-5 academy.

The consolidation plan was shared with the United States in the Winter and Spring of 2004 and, after meeting with the superintendent, Chair of the Board and the District's legal counsel; reviewing the information produced by the District; touring the District; and interviewing stakeholders, the United States approved the plan, finding that it comported with the Fourteenth Amendment of the Constitution of the United States and applicable federal law. After numerous public hearings, the Board subsequently adopted the strategic plan and implemented the consolidation of the elementary schools commencing in the 2004-2005 school year.

The District shifted from six K-5 elementary schools to three K-3 elementary schools and one 4-5 school. Oakhurst Elementary School, Clairemont Elementary School, and Winnona Park Elementary School became the three K-3 schools; Glennwood Elementary School became the 4-5 school. The District closed College Heights Elementary School and Westchester Elementary School.

The following chart summarizes the changes to each school building, including the District's projected student enrollments at each school:

School	Current Use				Proposed Use			
	Grades	Total	#B	%B	Grades	Total	#B	%B
Oakhurst ES	PK-5	165	156	94.5%	K-3	214	116	54.2%
Clairemont ES	PK-5	189	59	31.2%	K-3	249	92	36.9%
Winnona Park ES	PK-5	249	65	26.1%	K-3	239	94	39.3%
College Heights ES	PK-5	191	166	86.9%	PK	195	?	?
Glennwood ES	PK-5	173	82	47.4%	4-5	310	?	?
Westchester ES	PK-5	215	55	25.6%	Admin. Offices	n/a	n/a	n/a
Fifth Avenue ES	closed	n/a	n/a	n/a	Future Comm. Ctr.	n/a	n/a	n/a

II. LEGAL ANALYSIS

It has long been recognized that the goal of a school desegregation case is to convert promptly a de jure segregated school system to a system without "white" schools or "black" schools, but just schools. Green v. County Sch. Bd. of New Kent County, 391 U.S. 430, 442 (1968). The standard established by the Supreme Court for determining whether a school district has achieved unitary status, thus warranting termination of judicial supervision, is: (1) whether the school district has fully and satisfactorily complied with the court's desegregation orders for a reasonable period of time; (2) whether the school district has eliminated the vestiges of past de jure discrimination to the extent practicable; and (3) whether the school district has demonstrated a good faith commitment to the whole of the court's order and to those provisions of the law and the Constitution which were the predicate for judicial intervention in the first instance. See Missouri v. Jenkins, 515 U.S. 70, 87-89 (1995); Freeman v. Pitts, 503 U.S. 467, 491-92, 498 (1992); Board of Educ. of Oklahoma City Pub. Sch. v. Dowell, 498 U.S. 237, 248-50 (1991).

The Supreme Court has identified six areas, commonly known as the "Green factors," which must be addressed as part of the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. Green, 391 U.S. at 435. See Dowell, 498 U.S. at 250. The Green factors, however, are not intended to be a "rigid framework;" the Supreme Court has approved

consideration of other indicia, such as "quality of education," as important factors in determining whether the District has fulfilled its desegregation obligations. See Freeman, 503 U.S. at 492-93.

III. STIPULATED FACTS

Student Assignment: For at least the last three years, the City of Decatur School District has consisted of the schools listed below enrolling approximately 2300 students of whom approximately 50% have been white students. The enrollments by school are depicted in the charts set forth below.

City of Decatur School District Student Enrollment Over Three Year Period

2007-2008

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	101 (32%)	193 (62%)	18 (6%)	312
Oakhurst Elementary	K-3	83 (35%)	138 (58%)	18 (8%)	239
Winnona Park Elementary	K-3	89 (30%)	172 (58%)	37 (12%)	298
Glenwood Academy	4-5	134 (40%)	175 (52%)	29 (9%)	338
Renfroe Middle	6-8	213 (43%)	249 (50%)	32 (6%)	494
Decatur High	9-12	368 (47%)	355 (46%)	57 (7%)	780
Total		988 (40%)	1,282 (52%)	191 (8%)	2,461

2006-2007

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	83 (31%)	176 (65%)	10 (4%)	269
Oakhurst Elementary	K-3	95 (41%)	122 (53%)	15 (6%)	232
Winnona Park Elementary	K-3	91 (32%)	160 (56%)	34 (12%)	285
Glenwood Academy	4-5	142 (43%)	163 (49%)	26 (8%)	331
Renfroe Middle	6-8	240 (48%)	227 (46%)	31 (6%)	498
Decatur High	9-12	353 (47%)	358 (48%)	39 (5%)	750
Total		1,004 (42%)	1206 (51%)	155 (7%)	2,365

2005-2006

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	78 (31%)	155 (63%)	15 (6%)	248
Oakhurst Elementary	K-3	106 (48%)	100 (46%)	13 (6%)	219
Winnona Park Elementary	K-3	77 (30%)	158 (61%)	25 (10%)	260
Glenwood Academy	4-5	147 (45%)	163 (50%)	18 (5%)	328
Renfroe Middle	6-8	227 (47%)	221 (46%)	31 (6%)	479
Decatur High	9-12	377 (49%)	363 (47%)	31 (4%)	771
Total		1,012 (44%)	1,160 (50%)	133 (6%)	2,305

Faculty/Staff Assignment: Under this Court's order, the District was required to hire, assign and promote personnel without regard to race; and the most recent data reveals that the District has complied with the Court's order, as set forth below.

City of Decatur School District Personnel Assignment Over Three Year Period**2007-2008**

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	15 (32%)	30 (64%)	2 (4%)	47
Oakhurst Elementary	K-3	23 (55%)	15 (36%)	4 (10%)	42
Winnona Park Elementary	K-3	14 (24%)	40 (71%)	2 (4%)	56
Glenwood Academy	4-5	25 (46%)	26 (48%)	3 (6%)	54
Renfroe Middle	6-8	34 (45%)	39 (52%)	2 (3%)	75
Decatur High	9-12	48 (45%)	55 (51%)	4 (4%)	107
Total		159 (42%)	205 (54%)	17 (4%)	381

2006-2007

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	16 (30%)	36 (68%)	1 (2%)	53
Oakhurst Elementary	K-3	27 (54%)	20 (40%)	3 (6%)	50
Winnona Park Elementary	K-3	11 (22%)	37 (73%)	3 (6%)	51
Glenwood Academy	4-5	23 (46%)	23 (46%)	4 (8%)	50
Renfroe Middle	6-8	36 (43%)	43 (51%)	5 (6%)	84
Decatur High	9-12	54 (47%)	59 (51%)	2 (2%)	115
Total		167 (41%)	218 (54%)	18 (4%)	403

2005-2006

School	Grades	Black	White	Other	Total
Clairemont Elementary	K-3	16 (31%)	32 (62%)	4 (8%)	52
Oakhurst Elementary	K-3	26 (52%)	20 (40%)	4 (8%)	50
Winnona Park Elementary	K-3	13 (29%)	29 (64%)	3 (7%)	45
Glenwood Academy	4-5	22 (42%)	23 (43%)	8 (15%)	53
Renfroe Middle	6-8	45 (49%)	44 (48%)	3 (3%)	92
Decatur High	9-12	47 (44%)	55 (52%)	3 (3%)	105
Total		169 (43%)	203 (51%)	25 (6%)	397

Transportation: Pursuant to the 1979 Order, the District was required to ensure that the bus routes and assignment of students to buses was done on a nonsegregated and nondiscriminatory basis. Since that time, the District has operated a unitary student transportation system.

Extra-Curricular Activities: The District provides all students an equal opportunity to participate in sports, student government, extra-curricular and co-curricular activities.

Facilities: The District operates its facilities in a non-discriminatory manner.


IV. LEGAL ANALYSIS

The District has fully and satisfactorily complied with the Court's desegregation orders for a reasonable period of time, and has eliminated the vestiges of past de jure discrimination to the extent practicable. Freeman, 503 U. S. at 491-92, 498. The District has demonstrated that it has eliminated the vestiges of the prior dual school system to the extent practicable in the areas of

student assignment, faculty, staff, transportation, and extracurricular activities which are "among the most important indicia of a segregated system." Dowell, 498 U.S. at 250 (citations omitted). The longstanding compliance by the District demonstrates a good faith commitment to the whole of the Court's order and to those provisions of the law and the Constitution that were the predicate for judicial intervention in the first instance. Jenkins, 515 U.S. at 87-89. The Court concludes that the City of Decatur School District has met the legal obligations for a declaration of unitary status and is entitled to dismissal of this action.

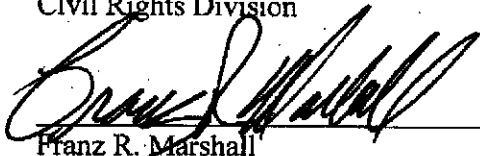
Accordingly, it is hereby ORDERED that all prior injunctions in this case are
DISSOLVED; jurisdiction is TERMINATED, and this case is DISMISSED WITH PREJUDICE.

ENTERED THIS 11TH DAY OF DEC., 2007.


UNITED STATES DISTRICT JUDGE

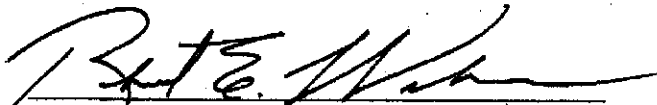
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