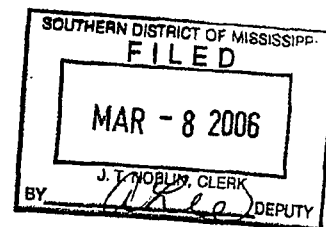


THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION



UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 2148(H)

COVINGTON COUNTY SCHOOL  
DISTRICT, ET AL.

DEFENDANTS

CONSENT DECREE

On November 24, 2003, Plaintiff United States filed a motion for further relief in this desegregation case. Defendant Covington County School District (the "District") opposes the motion. As indicated by the signatures of counsel below, the parties have consented to resolve the issues raised by the United States' motion by agreeing to a settlement as set forth below.

After reviewing the terms of the settlement, the Court has determined that this settlement agreement is reasonable, is consistent with all legal requirements, including furtherance of desegregation, and is in the interest of justice.

THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that:

A. **Seminary Attendance Center**

1. Beginning with the 2006-07 school year, students residing in the Hopewell attendance zone, upon completion of the sixth grade, shall attend the Seminary Attendance Center ("Seminary"). All students currently living in the Hopewell attendance zone, who attend grades 7-11 at Collins Middle, Collins High, or Mount Olive, shall be permitted to complete their schooling, through grade 12, in those schools. Furthermore, the District

shall continue to provide such Hopewell attendance zone students transportation to Collins Middle, Collins High, and Mount Olive.

2. Other than the above-mentioned students who are grandfathered into Collins Middle, Collins High, or Mount Olive, all future graduates of Hopewell Elementary or children moving into the Hopewell attendance zone shall be assigned to Seminary for grades 7-12.

**B. Majority to Minority Transfers**

1. Pursuant to the prior orders of the Court, the District shall offer majority to minority (M-to-M) transfers to any student whose race is in the majority in his or her assigned school in the attendance zone in which he or she resides to a school in which his or her race is in the minority. The District shall provide transportation to all M-to-M transfers in an efficient manner that considers travel times for such students.
2. Prior to the end of each school year, the District shall send a letter to all parents and legal guardians of school age children in Covington County explaining the M-to-M policy, the District's commitment to provide transportation for such transfers, and the deadline for requesting an M-to-M transfer. The letter shall be accompanied by a "Majority to Minority Request Form," which the parent or legal guardian can complete and mail to the District as his or her form of requesting such a transfer. The "Majority to Minority Request Form" shall include the address for sending completed forms and the deadline for receipt of such forms by the District. The form shall request the following information from the parent or legal

guardian: student name, race of student, current enrollment grade, school assigned for the upcoming school year, and the name of the school for which the student is seeking to transfer. Additionally, the District shall publish notice of the M-to-M transfer policy in the local newspaper each spring.

3. The District shall grant all M-to-M transfer requests that are submitted by the District's deadline of July 1 of each year and the District shall make space available for all such requests at the requested receiving school(s).
4. The District shall notify parents and legal guardians by July 15 as to whether or not their transfer request has been accepted or denied.
5. Once a student has been granted an M-to-M transfer, the student shall be permitted to continue to attend the receiving school until the completion of grades at that school. The student shall not need to file a transfer request each school year.

**C. Hopewell Elementary**

1. The District shall develop a compensatory enrichment program to enhance education at Hopewell Elementary School, beginning with the 2006-07 school year. The primary purpose of the program shall be to enhance education at Hopewell Elementary School for the students who reside in the Hopewell Elementary School attendance zone. While the parties have not determined the precise parameters of such a plan, considerations include programming such as full-day pre-K (starting at age 3) and after-school programming. Within forty-five (45) days of the signing of this

Order, the District shall provide to the United States a comprehensive plan stating the District's intended compensatory enrichment program. If the United States has objections to the plan, it shall provide them to the District within ten (10) days of receipt of the plan. If the parties reach agreement on the compensatory enrichment program, they shall submit such program to the Court for approval. If the parties cannot reach agreement as to the compensatory enrichment program, the parties shall request a hearing from the Court within thirty (30) days of the United States' receipt of the proposed plan.

2. After the Court has approved the compensatory enrichment program, any proposed modifications to the program must be submitted to the United States. The United States shall have forty-five (45) days from the submission of any such modification to file objections with the Court.
3. The District shall encourage white students who reside in other attendance zones to attend the Hopewell Elementary School by publishing notice of the compensatory enrichment education program in a local newspaper twice a year and by advertising through the local newspaper and in-school announcements, with specific dates and times, opportunities for prospective white students and their parents or guardians to visit the Hopewell Elementary School to learn about the program and the school. As a limited exception to the M-to-M transfer policy, the District shall provide transfers and transportation to any white student in the District who desires to transfer to Hopewell Elementary.

**D. Construction at Seminary Attendance Center**

1. The District may need to increase capacity at Seminary to accommodate the inclusion of students residing in the Hopewell attendance zone for grades 7-12 and any M-to-M transfers. The District shall conduct a facilities organization study (including examination of current structures at Seminary, their uses and their proximity to other structures on the Seminary campus used by students in similar grades) prior to commencing any construction and renovation at Seminary. Additionally, the District shall submit all plans for construction and renovation at Seminary to the United States prior to commencement of the construction and/or renovation and the United States shall have forty-five (45) days to file any objections to such construction and/or renovation with the Court.

**E. Bus Routes for Hopewell Attendance Zone**

1. The District shall engage in a comprehensive analysis of the bus routes in the Hopewell Attendance zone, including bus routes bringing such students to Hopewell Elementary, Collins Middle, Collins High, Mount Olive, and Seminary. The District shall reduce all such bus routes to the extent practicable with the goal of all bus routes in the Hopewell attendance zone being under one hour. The District shall accomplish this through methods such as altering existing routes and utilizing shuttle buses and vans.
2. Based on the comprehensive analysis of the bus routes in the Hopewell Attendance zone, the District shall produce new bus routes, bus rosters,

length of time for each route, and proposed changes to the busing structure to the United States within sixty (60) days of this Order. The United States shall have sixty (60) days from receipt of the bus information to file any objections or submit alternative bus routes to the Court.

**F. Records and Reporting**

1. The District shall retain records of all actions taken pursuant to the requirements of this Consent Decree, including, among other things, a copy of the letter sent to parents and legal guardians with a certification from a principal or administrator that the letter was indeed sent, copies of newspaper announcements, and documentation to demonstrate advertisement of the M-to-M transfer policy, and recruitment to Seminary and Hopewell. The United States reserves the right, upon reasonable notice, to inspect such records.
2. In addition to the District's reporting requirements in this case, on July 20 of each school year, the District shall provide to the United States the following information concerning transfers: the name, race, sending school, requested receiving school, and reason for transfer for each student seeking any form of transfer within the District and whether such transfer was granted or denied.
3. On October 15 of each school year, the District shall report the following information to the Court and the United States:
  - a. the number of students by race and grade enrolled in each school in the District;

- b. the number of students by race enrolled in each classroom in each school in the District;
- c. the number of full-time teachers by race in each school in the District;
- d. the number of part-time teachers by race in each school in the District;
- e. the number and position of non-certified staff by race in each school in the District;
- f. the race and title of each administrator in each school in the District; and
- g. a description of any present or proposed construction, renovation, or expansion of the District's facilities.

**G. Jurisdiction**

The Court shall retain jurisdiction of this action to monitor the implementation of the provisions of this Consent Decree and all orders in this case, to ensure that the District is complying with the Constitution and federal laws governing it, and to consider any appropriate pleadings in this case. All orders not inconsistent with this order remain in full force and effect.

**H. Dismissal of Lawsuit**

If the District has complied fully with the Court's orders in this case for a period of three years after entry of this Consent Decree, it may move for a declaration of unitariness and dismissal of this lawsuit.

This the 8<sup>th</sup> day of March, 2006.

Robert Starnes  
United States District Judge

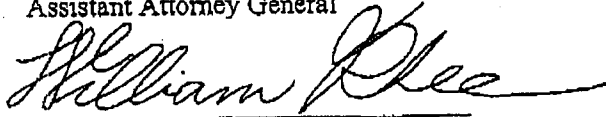


The undersigned consent to the entry of this Consent Order:

For the Plaintiff:

DUNN O. LAMPTON  
United States Attorney

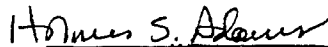
WAN J. KIM  
Assistant Attorney General



Office of the United States Attorney  
188 East Capitol St., Suite 500  
Jackson, MS 39201  
(601) 965-4480  
Fax (601) 965-4409

JAVIER M. GUZMAN  
AMY I. BERMAN  
WILLIAM RHEE  
Attorneys for the Plaintiff  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave., NW  
Educational Opportunities Section  
Patrick Henry Building, Suite 4300  
Washington, D.C. 20530  
(202) 514-4092  
Fax (202) 514-8337

For the Defendant, as duly authorized by the Board of Education of the Covington  
County School District:



HOLMES S. ADAMS  
Mississippi State Bar No. 1126  
JOHN S. HOOKS  
Mississippi State Bar No. 99175  
Adams and Reese LLP  
111 East Capitol Street, Suite 350  
Jackson, Mississippi 39201  
(601) 353-3234

TOMMY B. ROGERS  
Mississippi State Bar No. 5653  
P. O. Box 1415  
Collins, Mississippi 39428  
(601) 765-8235