

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ROBERT E. QUARLES, ET AL,)
)
 Plaintiffs)
)
V.) NO. WC 6962-K
)
LAFAYETTE COUNTY SCHOOL)
DISTRICT, ET AL,)
)
 Defendants)

ORDER

This cause having come on for hearing upon the school desegregation plan of the Lafayette County School District and objections thereto, and all parties having announced their readiness for trial, and it appearing to the court on the basis of stipulations made by counsel that no issues remain for trial as the parties have agreed upon the school desegregation plan set forth in this order.

ORDERED

1. That the Defendant Board of Trustees, its superintendent, administrators, agents and representatives, are hereby commanded and enjoined no longer to operate a dual school system and must begin immediately to operate a unitary school system as required by the Supreme Court decision of Alexander v. Holmes County Board of Education, 1969, 24 L. Ed. 2d 19.

2. That the status quo shall be maintained until February 17, 1970, which is the day voters will cast their ballot for or against the pending bond issue. (Refer to Bond Issue in the Desegregation Plan, Lafayette County.)

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3. If the bond issue passes, the parties agree to have grades 1-8 assigned to Lafayette Elementary School on a double session schedule to be implemented by March 1, 1970, provided however that should the patrons of both Weems and Gordon schools desire to remain in said schools for the balance of the current school year, they may do so in which case implementation of the double session shall take place not later than September 1, 1970, in which case grades 1-6 shall be assigned to Lafayette Elementary School on a double session.

4. Should the bond issue fail to pass, then the parties agree that the school board take such preliminary steps necessary to prepare for complete student desegregation by assigning students on a zoning plan such grades to Weems and Gordon as are unable to be accommodated at Lafayette Elementary. Further, the school board will in accordance with the above take such necessary steps to improve the physical conditions at these two schools. The implementation date for this plan described in this paragraph 4 will be September 1, 1970, and this plan will continue until further orders of the court.

5. That Defendants are hereby ordered and directed to take the following action not later than February 1, 1970.

DESEGREGATION OF FACULTY
AND OTHER STAFF

The school board shall announce and implement the following policies:

For the remainder of the 1969-70 school year the district shall assign the staff in grades 1-8 so that the ratio of Negro to white teachers in each school,

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and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in grades 1-8. Thereafter, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

The following policies affecting school personnel shall be placed into effect immediately:

A. General Policies

(1) Non-discrimination. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

(2) Reduction of Staff. If it becomes necessary to reduce the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, all positions will be declared vacant and will be filled in accordance with the criteria indicated below; provided, however, that if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

(3) Evaluation of Employees. The criteria indicated below will be available for public inspection in the office of the Superintendent during normal working hours, and they will be retained by the school district. The school district will record and preserve any evaluation of staff members made under the provisions of the criteria given below. Such evaluation will be made available upon request to any such dismissed or demoted employee.

B. Criteria for Personnel

For each position, the criteria below are to be applied to all persons presently employed in the system. Each criterion is to be applied and fulfilled before subsequent criteria are applied. The terms "teacher" and "teaching" apply to all certified personnel and teacher-aides.

(1) Certification. For initial or continued employment in the Lafayette County School District, it is necessary that the person hold full state certification in the grade level, subject-matter area, counseling, administrative, or other position for which the person is being considered. Only when no person who is so certified is available will consideration be given to the retention or employment of a non-certified person. This criterion is not applicable to teacher-aides.

(2) Degree Held. For initial or continued employment, preference will be given to (a) a person holding at least a masters degree; (b) a person holding a bachelors degree; and (c) a person with no 4-year college degree.

(3) Years of Experience in the System. In filling a vacancy, preference will be given to a person already in the system over one new to the system. Among those already in the system, preference will be given to (a) a person with over 14 years of experience in the system; (b) a person with between 4 and 14 years of experience, inclusive, in the system; and (c) a person with less than 4 years of experience in the system.

(4) Health and Physical Fitness for Teaching. As the only objective measure available of a person's physical fitness for teaching, a period of reasonable absence for sick leave has been arbitrarily defined. If an "absence period" consists of two consecutive school days missed due to illness, and if a teacher has at least three such absence periods during the most recent full school year, then he shall be given a lower priority for continued employment than a teacher who has any other pattern of absences due to illness. For initial employment, the most comparable available information shall be applied.

(5) Years of Total Teaching Experience. For initial or continued employment, preference will be given to (a) a person who has between 4 and 14 years of teaching experience, inclusive; (b) a person who has more than 14 years of teaching experience; and (c) a person with less than 4 years of teaching experience.

(6) Full/Part-Time Employment. For continued employment, preference will be given to a person whose most recent assignment was full-time over a person whose most recent assignment was part-time.

(7) Age of Teacher. For initial or continued employment, preference will be given to the following

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age categories: (a) a person between the ages of 25 and 50, inclusive; (b) a person under the age of 25; and (c) a person over the age of 50.

(8) Sex of Teacher. For initial or continued employment men will be given preference over women.

(9) Occupation of Spouse. As a measure of intention to become a permanent resident of the community, of those persons who have spouses, preference will be given to a person whose spouse is occupied other than "student".

(10) Scores on National Teacher Examination. For continued employment, where scores on the National Teacher Examination are available, a person whose Commons score is greater than one standard deviation below the mean, according to the most recently published national norms, shall be given preference to a person whose Commons score is less than one standard deviation below the national mean. For initial employment, both Commons and Subject Area scores shall be filed, and preference will be given to a person who meets the conditions of the previous sentence. This criterion is not applicable to teacher-aides.

(11) Other Factors. In the event that more than one person meets all the criteria above, and all other similar vacancies, if any, have been filled, then, of necessity, a recommendation will have to be made by the administration to the board based on other factors, not to include race, color, or national origin.

6. The following provisions shall be applicable only in event complete student desegregation is deferred until September 1, 1970, but not otherwise:

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(a) Majority to Minority Transfer Policy.

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school, where space is available, and where his race is in the minority.

(b) Attendance Outside System of Residence.

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfer into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reenforce the dual school system.

7. Defendants are ordered to place into effect transportation policy as follows:

Transportation. The transportation system in those school districts having transportation systems, shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

Depending upon the effective date of the commencement of complete student desegregation, the transportation plans submitted by Defendant board applicable to the second semester of 1969-70 (I B) and the fall of 1970 and thereafter (II C) are approved.

8. It is further ordered that Defendants' plan for merging of athletic programs as set forth in I C of its plan headed Athletics and Activities is

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approved, and all school activities, athletics, band and other programs shall hereafter be operated on a desegregated basis without exclusion because of race or color of any student.

9. It is further ordered that all 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 recurrence of the dual school structure once this desegregation plan is implemented.

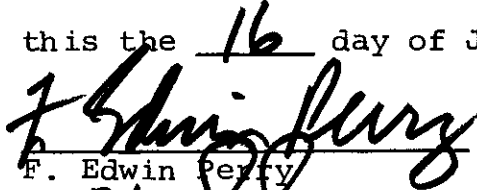
10. The school board shall submit to Plaintiffs: (a) the faculty assignment plan of teachers to the various schools by race; (b) the transportation plan for Lafayette School will be submitted with any explanation as to why transportation on a non-racial basis cannot be totally and completely implemented by March 1, 1970.


This court retains jurisdiction over this cause for the purpose of effectuating and, if necessary, supplementing the terms of the foregoing order and the plan of public school desegregation herein required.

This _____ day of January, 1970.

Chief Judge
United States District Court


The foregoing order consented and agreed to on this the 16 day of January, 1970:

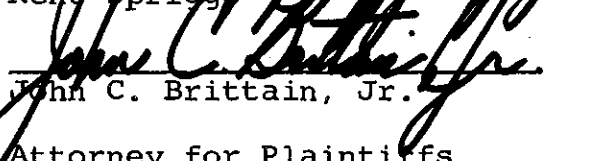


F. Edwin Perry


T. H. Freeland, III

Attorneys for Defendants



Kent Spriggs


John C. Brittain, Jr.

Attorney for Plaintiffs