

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

BRENDA K. MONROE, ET AL., )

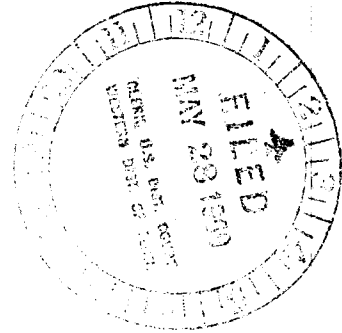
Plaintiff, (

VS )

CIVIL ACTION NO. 1327 *and*

BOARD OF COMMISSIONERS OF THE )  
CITY OF JACKSON, TENNESSEE, )  
ETC., ET AL., )

Defendants. )



ORDER

This cause came on to be heard before the Honorable Robert M. McRae, District Judge, upon the Motion For Further Relief filed by Plaintiffs on August 13, 1968, the Answer or Replication of Defendants to said Motion, the order of the Court dated September 18, 1968, the Defendant's Plan of Desegregation filed December 6, 1968 and the objections of the Plaintiffs thereto dated December 24, 1968, the testimony of witnesses in open Court, and briefs submitted by counsel, from all of which the Court has found and heretofore entered its findings of fact and conclusions of law as embraced in its Memorandum Opinion filed May 7, 1969, which said Memorandum Opinion is incorporated in this Order the same as if copied herein verbatim, pursuant to which It Is Hereby Ordered and Adjudged:

1. The Defendants' Plan of Desegregation filed December 6, 1968 be and the same is disapproved.

2. That effective with the September term, 1969, there shall be in effect for the City Schools of the City of Jackson, Tennessee the following

PLAN OF DESEGREGATION

I.

ZONING AND TRANSFER

Each student will be assigned to the school in the geographic zone in which his parents or custodial guardian lives, except any student who is of the majority race may transfer to a zone in which he will be of the minority race, subject only to available space in the school to which the transfer is sought. Additional transfers may be granted by the superintendent in the junior high and high schools to permit students to pursue academic courses not offered in the school of the zone of a student's residence. Provided, however, nothing herein shall authorize the transfer of students under this provision for the purpose of circumventing the furtherance of desegregation and, to this end, the Defendant System will offer identical curricula in the respective schools where feasible.

Transfers may be granted from the zone of a student's residence to a zone in which his parent is a teacher or other employee of the defendant system assigned to a particular school on a full time basis.

Any pupils who do not live within the geographical limits of Jackson and who are permitted to attend school in the defendant City of Jackson School System shall be assigned to the school in closest proximity to the actual residence of the student if space is available and shall be subject to the transfer provisions applicable to Jackson residents.

a. Students will be assigned upon the basis of unitary non-racial geographic zones as shown:

1. For each elementary school (grades 1 - 6 inc.) there is established the unitary geographic zone shown

on Exhibit 1 to the original Plan of Desegregation submitted by Defendant on December 6, 1968.

2. For each junior high school (grades 7 - 9 inc.) there is established the unitary geographic zone shown on Exhibit 2 to the original plan of desegregation submitted by defendant on December 6, 1968.

3. For each high school (grades 10 - 12 inc.) there is established the unitary geographic zone shown on Exhibit 3 to the original plan of desegregation submitted by Defendant on December 6, 1968.

## II.

### FACULTY

Effective with the September term, 1969, supervisors, principals, teachers and other faculty personnel shall be employed, promoted and assigned in furtherance of a goal of removing the former racial identity of a school, but no teachers shall be discharged from the system to correct a racial imbalance.

Teachers shall be assigned upon the basis of certification and qualification for the academic subjects or grade level to be taught.

## III.

### FACULTY STUDY

In order to facilitate the transition from the present all Negro or all white faculties at the respective schools to non-racially identifiable faculties, the defendants are directed to seek the assistance of the Title IV Civil Rights Act of 1964 Center at the University of Tennessee, Knoxville, Tennessee, to

advise and assist the defendant system in its implementation of an orderly plan of faculty desegregation.

The center shall be requested to evaluate existing faculty personnel and to make appropriate recommendations in the light thereof, to the end that sound educational policies will be maintained. The Center shall also be requested to prescribe and conduct appropriate seminars and programs for all teachers in the system to prepare all faculty personnel for desegregated faculties. While the Court expects the system to have desegregated faculties in the year 1969-70, as the defendants have assured they would, the Court is of the opinion that it should not order a specific number of teachers of a minority race in any or all schools in the system at this time.

After the request to the Center has been made and an initial investigation has been made by the Center, the defendants will file in the cause a recommended program which shall include the time necessary to execute an appropriate program of faculty desegregation for the defendant system. In the event that any of the parties have bona fide objections to the prescribed program, the Court will determine the necessity for a hearing and will resolve differences which arise concerning all phases of the program.

#### IV.

##### NEW CONSTRUCTION

New schools, additions to existing schools and the use of portable classrooms shall be programmed, planned and constructed in furtherance of the Board's affirmative duty to convert to a unitary system free from racial discrimination and in accordance with other factors such as budgetary limitations, location of

students, age level of students of the school involved, safety of students, nonracial educational factors and any other relevant nonracial factors necessary to maintain a sound educational system.

This 28 day of May, 1969.

  
United States District Judge