

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**STATE OF MISSISSIPPI, *et al.*  
(WAYNE COUNTY SCH. DIST.),**

**Defendants.**

**CIVIL ACTION NO. 4706**

**CONSENT ORDER**

This is a desegregation case in which the United States filed a complaint on July 9, 1970, seeking to enjoin the Wayne County School District (“District”) from operating a dual school system based on race. On August 11, 1970, this Court permanently enjoined the operation of a dual system of schools within the District, adopted a comprehensive desegregation plan, and directed the District to submit bi-annual reports. Subsequent orders were entered in the case to further the desegregation of the District.

On May 16, 2006, the parties entered into, and this Court approved, a Consent Order (“2006 Order”) declaring the District unitary in all areas except student assignment. The 2006 Order prohibits the District from considering race in class assignment and requires the District to submit bi-annual reports as directed in the August 11, 1970 Order. In light of the Court’s declaration of partial unitary status, the District’s bi-annual reporting requirements are limited to District-wide and individual school student assignment data. The District has provided the

United States with bi-annual reports for the 2006-07 and 2007-08 school years.

As indicated by the signatures of counsel below, the United States and the District respectfully request that the Court approve this Consent Order, which increases the District's reporting requirements to ensure that the District fully complies with the 2006 Order. The Court has reviewed the terms of this Order, and finds that it is consistent with the objectives of the Fourteenth Amendment of the United States Constitution and will facilitate the orderly desegregation of the Wayne County School District. Thus, the Court **ORDERS, ADJUDGES AND DECREES** the following:

**I. STIPULATED FACTS**

Prior to the entry of the 2006 Order, school officials at Waynesboro Elementary School explicitly considered race in classroom assignment, resulting in a disproportionate number of all-black classes at the school. For example, even though 25% of the District's students are white, for each of the four school years prior to the 2006 Order, of its 38 regular education classrooms, Waynesboro Elementary had between six and twelve classrooms with one or no white students enrolled. The 2006 Order addressed the District's improper consideration of race in classroom assignment and required the District to cease using race as a factor in assigning students to classes by the start of the 2006-07 school year. The 2006 Order required the District to submit bi-annual reports in the area of student assignment. The District's bi-annual reports for 2006-07 reported three remaining classrooms with one or no white students.

On March 11, 2008, the United States received a District report indicating that of the 38 regular education classrooms at Waynesboro Elementary, seven classrooms had one or no white

students enrolled.<sup>1</sup> The United States observed that the number of racially isolated classrooms had more than doubled since the 2006-07 school year. The United States has raised the concern to the District that it may have regressed to its former ways and that the disproportionate number of racially isolated black classes at Waynesboro Elementary may have resulted from improper consideration of race in student assignment. The District has not disputed this allegation.

## **II. STIPULATED REMEDIAL MEASURES**

The parties have agreed that until the dismissal of this case, the District will produce to the United States class rosters for each class offered in the Fall and Spring semesters at Waynesboro Elementary School. Each class roster will reflect the name of the teacher, and the name and race of all students in the class. The District will produce rosters two times each semester. The first set of rosters will be produced fourteen days prior to the first day of the semester and will reflect the scheduled enrollment for each class. The second set of rosters shall demonstrate the actual enrollment for each class on the fourteenth day of the semester. This second set of rosters shall be produced no later than 21 days after the first day of the semester.

## **III. FINAL TERMINATION**

Continued judicial supervision of this case will be limited to ensuring that the District (1) takes all actions identified in this Consent Order, and (2) refrains from taking any actions that reverse its progress in desegregating the school system. The parties commit to negotiate in good faith any disputes that may arise, but the United States shall have the right to seek judicial resolution of any noncompliance.

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<sup>1</sup> Similar to when the 2006 Order was entered, the enrollment at Waynesboro is approximately 25% white and 75% black.

The District may move for a declaration of complete unitary status at the conclusion of the 2010-11 school year, and not before then. At that time, in the absence of a pending motion by the United States for further relief, or a ruling by this Court as to the District's noncompliance with this Consent Order or federal law, the United States agrees that it shall not object to the District's motion.

Until dismissal of this case, the District shall produce class rosters as described in this Order and continue to submit bi-annual reports as directed in the August 10, 1970 Order, as modified by the 2006 Order.

**IV. EFFECT OF PRIOR ORDERS**

All Orders not inconsistent herewith remain in full force and effect.

SO ORDERED, this 8th day of August, 2008.

[Signature of Judge Tom S. Lee]

United States District Judge

The following signatures of the counsel to the parties indicate the parties consent to the form and content of this Order.

UNITED STATES OF AMERICA

GEORGE T. DICKERSON, ESQ.

Grace Chung Becker  
Acting Assistant Attorney General

[Signature of Whitney M. Pellegrino]

[Signature of George T. Dickerson]

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Dated: August 5, 2008