

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
)  
)  
v. )  
)  
)  
COTTON PLANT SCHOOL )  
DISTRICT #1, ET AL. )  
(WATSON CHAPEL SCHOOL )  
DISTRICT #24), )  
Defendant. )  
\_\_\_\_\_ )

2:70-CV-00010GH

**UNITED STATES' MOTION FOR FURTHER RELIEF**  
**AND REQUEST FOR PRELIMINARY INJUNCTION**

The United States hereby submits this Motion for Further Relief and Request for Preliminary Injunction, and as reasons therefor states the following:

1. Since 1970, the Watson Chapel School District (WCSD or District) has operated under a desegregation order.
2. The Order required, among other things, that the Sulphur Springs Elementary School (Sulphur Springs) house grades 1-4 and serve students in the nearby rural area. The Order, however, did not prescribe an attendance zone for Sulphur Springs.
3. The District has pursued discriminatory policies and practices that have perpetuated Sulphur Springs as an all-white school. These policies and practices violate the desegregation order and applicable federal law and allow Sulphur Springs to remain a vestige of the former dual school system.

4. For the 2000-01 school year, the District's total student enrollment was 3,340, of whom 1,900 (57%) were black. Sulphur Springs enrolled 75 students, all of whom were white. On information and belief, over the last thirty-one years, the District has enrolled an occasional black student at Sulphur Springs.

5. On August 1, 2000, the Department of Justice received a complaint, forwarded by the U.S. Department of Education, Office for Civil Rights, alleging, among other things, that the District discriminates on the basis of race by transporting black students from the Sulphur Springs attendance zone to other schools in the District to maintain a racially identifiable school.

6. The United States initiated its investigation of the complaint in September 2000. The investigation comprised touring the District, meeting with interested community members and reviewing data and information requested from and provided by the District.

7. In a letter to the District dated March 5, 2001, the United States communicated its concerns about, among other things, the continued one-race character of Sulphur Springs. At that time, if not before, the District became aware of its obligation to cease certain discriminatory practices and make affirmative efforts to desegregate Sulphur Springs. The United States' concerns are as follows: (a) Sulphur Springs serves a

significant out-of-zone student population that is exclusively white; (b) black students within the Sulphur Springs zone do not attend the school and are bussed past the school to other elementary schools; (c) the Sulphur Springs' boundaries exclude streets on which black families reside; (d) the District has determined cut-off points in the attendance zone that appear to be arbitrary, that are contrary to stated reasons for the cut-offs, and that ultimately have the effect of excluding clusters of black families; (e) based on information and belief, only one black teacher has been assigned to Sulphur Springs in the last thirty-one years; and (f) because of the District's discriminatory policies and practices, Sulphur Springs carries a perception in the black community that it serves only white students.

8. The United States conducted a site visit of the District in May 2001 and met with District officials. At that time, the United States detailed its concerns again and discussed possible remedies with the District.

9. Following the site visit, the parties agreed that the District would provide a proposal to address the continued and historic absence of black students at Sulphur Springs.

10. In June and July 2001, the United States made clear ways the District could immediately remedy the situation; the United States was amenable to an interim plan for the 2001-02

school year while the District devised a permanent remedy for the 2002-03 school year and beyond.

11. The District agreed to cease placement of white out-of-zone students at Sulphur Springs, but refused to take meaningful steps to bring about the immediate desegregation of the school. Given the District's historic and continued exclusion of black students from the school, the District's offer to have its superintendent telephone black parents in the zone to encourage them to place their eligible-aged children at Sulphur Springs for the 2001-02 school year is hardly sufficient.

12. Although the District agreed to devise a mandatory attendance zone to insure minority attendance for the 2002-03 school year, it has failed to come forward with a plan that promises realistically to work now. See Green v. County Sch. Bd. of New Kent County, 391 U.S. 430, 438 (1968). Moreover, in view of the District's refusal to develop and implement effective interim measures for the 2001-02 school year, there is little reason to expect that it will take appropriate actions in the future.

13. The 2001-02 school year begins August 20, 2001. If the District is not enjoined immediately from further operation of the school, the District will continue, for yet another school year, to operate Sulphur Springs as a one-race school, in violation of this Court's Order and applicable federal law.

**WHEREFORE,** for the reasons set forth herein and in the accompanying memorandum in support, the United States respectfully requests that the Court immediately enjoin the District from further operation of the Sulphur Springs Elementary School until such time as the District formulates, adopts and implements a plan approved by the Court that promises realistically to work now to desegregate the school to the extent practicable. A proposed Order is attached.

Respectfully submitted,

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