

status and dismissal of this case by July 2001.

It is therefore, ORDERED, ADJUDGED and DECREED as follows:

I. PROCEDURAL HISTORY

On August 7, 1970, the United States instituted a school desegregation suit against the Texas Education Agency and a number of local school districts, alleging that these local districts had failed to completely eliminate the dual system of public education and requesting that they be required to take immediate action to fully desegregate their schools. On August 26, 1970, a hearing was held by the district court concerning the Jefferson Independent School District and on August 28, 1970, the court entered an order directing the school district to implement a plan of complete desegregation for the 1970-71 school year.

By Order, January 24, 1973, the establishment of an all white private school, called the Marion County Private School, was disbanded and the Jefferson Independent School District was "enjoined from taking any further action to impede and frustrate, or which tends to impede or frustrate, this court's orders requiring the desegregation of the public schools of the Jefferson Independent School District." (Order, 01/24/73, pg. 2). The District filed a notice of appeal thereafter, but then there is no further mention of this private school in the court's file.

By Order dated July 15, 1975, Joanna Morrow, a high school teacher, intervened in this case. Ms. Morrow alleged that she was demoted and ultimately terminated because she was black. On August 28, 1981, the Court found in favor of the Plaintiff-Intervenor Morrow and an ultimate settlement agreement was approved by the Court on

December 29, 1981.

On December 8, 1975, the District filed a Motion for Sale of School Property in order to convey four vacant school buildings no longer occupied after the implementation of the desegregation plan. On March 24, 1988, the District was granted permission to sell two parcels of land. On June 5, 1992, the District was granted authorization to lease the vacant Jefferson Middle School to East Texas Development Corporation for twenty-five years, "for use as a Head Start Program, a school for adults and/or children, for child care and development and other community projects, in return for much needed renovations to the school building by the lessee." (Order, 06/05/92).

On July 28, 1999, this Court, *sua sponte*, issued a Show Cause Order. The United States filed a Response requesting time for discovery. On September 21, 1999, the Court set forth a discovery schedule, allowing for the United States to conduct a review of the District. Pursuant to the Order, the District responded to two informal information requests from the United States. The United States conducted an on-site visit at each campus, interviewed district officials and employees, and met with African-American community members. On February 1, 2000, the parties met and conferred to determine if possible settlement could be reached. At that time, the United States suggested specific remedies the District could implement to address its areas of concern. Since that date, the District has begun to put in place such initiatives. At the Status Conference on April 11, 2000, the Court found, without objection by the United States, that the District had achieved partial unitary status in the areas of facilities, transportation and transfers, and set the case for an evidentiary hearing for July 19, 2000. (The Court subsequently entered an Order on April 12, 2000, declaring the

District to have achieved partial unitary status in these areas.) During the Status Conference, the United States expressed concerns in the areas of in-school assignment (including the gifted/talented program and advanced/vocational course), special education, discipline, faculty, extra-curricular activities, and the bi-racial committee and the Site-Based Committees.

II. PLAN FOR DISMISSAL

The District has agreed and shall take the following actions.

A. Gifted/Talented Program

The District recognizes that the percentage of African-American students in the gifted/talented program is significantly less than the percentage of African-American students in the total student population. Because the District desires increased African-American participation in these programs, the District has committed to implementing the following programs:

- The District has begun to certify all elementary teachers for gifted/talented teaching. Upon completion, the District shall request a waiver from the State to delay identification of gifted/talented students until the second grade. The District shall then create a talent pool in K through 2nd grade, exposing those students to enriched curriculum. All students in those grades shall be tested and considered for the gifted/talented program.
- The District has created a brochure describing the features of the gifted/talented program, which shall be distributed to all parents, students and community members.
- The District shall devise and implement a policy - "a directive" - which will instruct faculty to refer exceptional students.
- The District shall hold awareness sessions (as encouraged by the State Education Plan for Gifted/Talented Education), in the fall and spring, through which it will inform parents and students of the gifted/talented program.

- Based on information provided by the community and the District, the African-American community is inadequately informed about the gifted/talented program. Therefore, the District shall target specific outreach efforts in the African-American community. Through the gifted/talented coordinator, the gifted/talented teachers, and the African-American parents that have children in the gifted/talented program, the District shall visit sites in the African-American community to discuss the gifted/talented program and its benefits.
- The District shall extend its nomination period to allow for greater opportunity for students to be referred to the gifted/talented program.
- The District shall ensure that students are selected for the program on a non-discriminatory basis and that selection is based solely on a student's qualifications.

B. Advanced & Vocational Classes

The District offers Advanced, Honors, and Pre-AP and AP classes for all high school students. The District recognizes that the percentage of African-American students in these courses is significantly less than the percentage of African-American students in the total student population. Therefore, the District has committed to implementing the following programs:

- The District is currently modifying its guidance counseling services to provide for proper guidance for all students on all course options, from college curriculum to vocational courses in the middle and high school.
- The District shall include during its awareness sessions about the gifted/talented program a segment on the benefits of college curriculum classes. The District will inform students and parents about the preparation required for meeting the demands of college curriculum classes.
- Because of concerns by the African-American community that African-American students are not encouraged in, or may be dissuaded from, taking college-level courses, the District shall make a specific effort, through its counselors, to encourage African-American students to take academic and college level courses, if appropriate.

C. Discipline

The District recognizes that the percentage of African-American students disciplined is significantly higher than the percentage of African-American students in the total student population. Therefore, the District shall implement a monitoring system, which will track the disciplinary actions by infraction, discipline received by student, school, grade, race of student, and race of teacher. Such statistics shall be reviewed bi-annually and the District shall endeavor to determine the causes of any disproportionate discipline actions, if any, and whether corrective measures are needed, as decided by the District, to address the causes. The District shall also hold annual training (which will include cultural sensitivity training) for all teachers, counselors, administrators, bus drivers, and other staff who come into contact with students and who may report disciplinary infractions and/or administer discipline, to ensure that discipline is imposed consistently, uniformly and in a nondiscriminatory manner.

D. Special Education

The United States believes that there is a high number of African-American students currently placed in the resource classes in all schools. To address this concern, the District will annually evaluate students placed in resource classes to determine whether placement in regular class is a more appropriate environment for the student.

E. Faculty

Although the District at present has a significant number of African-American faculty, the District recognizes that the number of African-American teachers has

steadily decreased over the past years. In addition, with an increasing number of African-American teachers retiring, the District recognizes the need for more efforts in recruitment of African-American faculty. Therefore, the District shall continue to hire and promote staff and faculty on a non-discriminatory basis. In accordance with the District's continuing commitment to create a positive and diverse learning environment, the District agrees to continue present programs, enhance others, and implement new initiatives:

- The District shall continue to encourage its African-American teacher's aides to seek teacher certification at a local college through the Teacher Bound Program. In addition, the District shall formalize this program by holding an annual meeting to encourage aides to pursue certification through the local college.
- The District shall attend career fairs at a number of predominately Black colleges in Texas, and seek assistance with recruiting from its active African-American community and African-American faculty. Assistance by the African-American community and faculty may consist of attending career fairs, contacting potential candidates, and placing African-American faculty in mentorship roles.
- The District shall continue to send vacancy announcements to nearby colleges, but will also include a number of nearby historically black colleges; the District shall also keep regular contact with the school career administrators and/or Deans of Education of these schools to learn about potential recruits and convey the District's interest to hire African-American candidates.

F. Extra-curricular Activities

For the upcoming school year, the District has two African-American cheerleaders out of ten on the high school squad. At the middle school, the District has six African-American cheerleaders out of twelve. The level of participation for the upcoming school year is a significant increase from previous years. The District will continue to encourage all students, including African-American students, to participate in all activities, including cheerleading. In accordance with its continuing commitment to

ensuring that all students, regardless of race, have equal access to educational programs and activities the Board has agreed to implement the following objective:

- The cheerleading sponsor shall encourage all students to participate in cheerleading activities and assure interested students that financial requirements will be covered by fund raisers. To the extent practicable, the District shall seek to alleviate any burdensome financial requirements on students or upfront costs that may serve as a deterrent for participation in cheerleading.

G. Site-Based Committees & Bi-Racial Committee

The District has made recent steps to reactivate the bi-racial committee which was mandated by the original Order in this case. The District shall determine the total number of members and ensure an equal representation of African-American and Caucasian members. The District shall also ensure a fair and open process for receiving nominations for the bi-racial committee and widely advertise the nomination process.

The Site-Based Committees implement educational goals and objectives for the District and for each school in the District. The State requires a broad-based community representation on the Site-Based Committees. The District agrees to devise and implement a Board directive which will require the Superintendent and administrators at each school to be inclusive of all faculty and members of the community in the nomination and selection process, and will encourage African-American parents, business and community members to participate in the Site-Based Committees.

III. MONITORING AND DISMISSAL

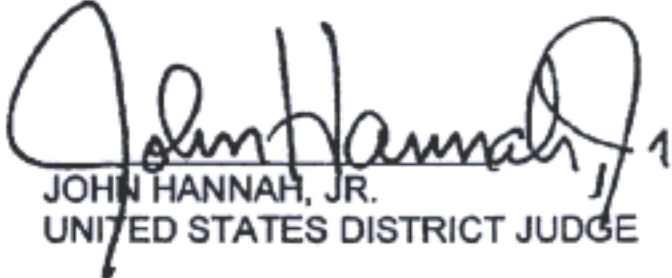
- A. The District shall provide a written report to the United States on October 16,

2000, February 15, 2001, and June 15, 2001, of its efforts to implement each of the measures set forth in this Consent Order. The District also shall provide all appropriate supporting documents demonstrating the actions taken.

B. The United States shall notify the District, in writing, within thirty (30) days of receipt of the first and second report, if it considers the District's report, or any of the actions reflected therein, inadequate or otherwise unsatisfactory.

C. If the review of the June 15, 2001 report indicates full compliance by the District of the specific requirements of this Consent Decree, the United States will not object to the District's receiving a declaration of full unitary status, dissolution of the prior decree, and dismissal of the case. The United States will have forty-five (45) days after submission of the June 15, 2001 report in which to provide any written objections.

Consent Decree entered into and approved, this 14th day of July, 2000.


JOHN HANNAH, JR.
UNITED STATES DISTRICT JUDGE

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