

7/30/1970

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

|                                        |   |                      |
|----------------------------------------|---|----------------------|
| CHARLES McGHEE, et al.,                | ) |                      |
|                                        | ) |                      |
| Plaintiffs                             | ) |                      |
|                                        | ) |                      |
| UNITED STATES OF AMERICA,              | ) |                      |
|                                        | ) |                      |
| Plaintiff-Intervenor                   | ) |                      |
|                                        | ) | CIVIL ACTION No. 962 |
| MRS. CATHERINE THOMAS, et al.,         | ) |                      |
|                                        | ) |                      |
| Intervenors                            | ) |                      |
|                                        | ) |                      |
| vs.                                    | ) |                      |
|                                        | ) |                      |
| THE NASHVILLE SPECIAL SCHOOL DISTRICT, | ) |                      |
| NO. 1, et al.,                         | ) |                      |
|                                        | ) |                      |
| Defendants                             | ) |                      |

ORDER

This matter came on for hearing before the Court on July 7, 1970 pursuant to a Consent Decree of the United States Court of Appeals for the Eighth Circuit entered in No. 19,920 on April 15, 1970, and this Court's Order of April 27, 1970 directing the Saratoga School District No. 11 and the Mineral Springs School District No. 3 to submit desegregation plans for the conversion to unitary systems. Both districts, the United States of America and a group of interested patrons of the districts appeared by counsel and offered evidence in support of their respective positions. Having fully considered the pleadings, the evidence presented and the statement of counsel, the Court finds:

1. Both districts have contacted the Office of Education of the United States Department of Health, Education and Welfare for assistance in the preparation of new desegregation plans. Representatives of the Office of Education have visited the districts, have been furnished information relevant to the operation of the school systems and have recommended desegregation plans for the two districts.
2. The plan presented by the Saratoga district adopts virtually all recommendations made by the Technical Assistance Team of the Office of Education. Implementation of that plan by the Saratoga district for the 1970-71 school year will result in the achievement by the Saratoga district of a unitary school system and such plan should be approved.
3. The plan of desegregation proposed by the Mineral Springs School District No. 3 likewise adopts most of the provisions suggested in the proposal of

the Office of Education. However, officials of the Mineral Springs district have not agreed to adhere to that portion of the plan recommended by the Office of Education which suggests that the Mineral Springs district should hire approximately 45 per cent of the Negro teachers who were assigned in 1969-70 to teach at the Howard County Training School, which is to be closed as a result of the desegregation plans. The Saratoga district has rehired more than the recommended number of such teachers and there are only five such teachers who have not been offered employment. The Mineral Springs district will therefore, as requested by the United States and the intervenors, be ordered to offer those five teachers employment in the Mineral Springs district for the 1970-71 school year, or file a report to the Court no later than July 31, 1970 specifying the reasons why these five teachers, or any of them, were not offered employment by the district. Implementation of the plan proposed by the Mineral Springs district, with the foregoing modification as to its faculty assignments, will result in the achievement of a unitary system for the 1970-71 school year.

4. The plans of both districts will be amended to include the following provision suggested by the United States without objection from any other party:

"No student will be segregated or discriminated against on account of race or color in any service, facility, activity, or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by or affiliated with the school in which he is enrolled. A student attending school for the first time on a desegregated basis will not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer or newly assigned student except that such transferees shall be subject to longstanding, nonracially based rules of city, county, or state athletic associations dealing with the eligibility of transfer students for athletic contests. All school use or school sponsored use of athletic fields, meeting rooms, and all other school related services, facilities, activities, and programs such as commencement exercises and parent-teacher meetings which are opened to persons other than enrolled students, will be open to all persons without regard to race, or color. All special educational programs conducted by the school system will be conducted without regard to race or color."

5. This court is without jurisdiction of the intervenors contention that because the Saratoga district does not plan to utilize all of the facilities of the Howard County Training School in the 1970-71 school year, the district should give such facilities to the community as a civic center.

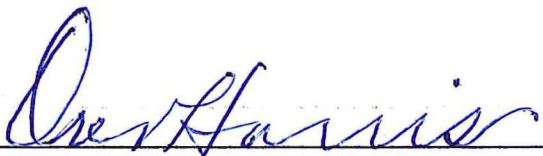
6. Since the Court finds that implementation of the plans of the two districts, as amended herein, will achieve a unitary educational system in the respective districts for the 1970-71 school year, and because the other contentions of the intervenors are not applicable in this proceeding, the other relief sought by the intervenors will be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the plans of desegregation proposed by the Saratoga School District No. 11 and Mineral Springs School District No. 3 be, and they are hereby, approved as herein modified:

That the Mineral Springs School District No. 3 shall offer employment to the five teachers herein referred to, or if it does not offer employment to such teachers, or any of them, it shall file a report to the Court no later than July 31, 1970 specifying the reasons for its failure to do so;

That except as to the Court's requirement that the Mineral Springs School District No. 3 offer employment to the five teachers herein mentioned, or report to the Court for its failure to do so, the contentions of the intervenors are hereby denied;

That the Court will retain jurisdiction of this case to insure that the plans herein approved are fully implemented.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

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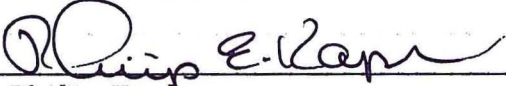
U. S. District Court  
Western Dist. Arkansas

FILED

July 30, 1970  
E. A. Riddle, Clerk

By Jimmie Lee Howell  
Deputy Clerk

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