

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff.	)	Civil Action
	)	No. 70-636-CIV-J
v.	)	
	)	
BAKER COUNTY SCHOOL DISTRICT	)	
et al	)	
	)	
Defendants.	)	
_____	)	

AGREED ORDER OF DISMISSAL

I. Procedural History and Stipulated Facts

The United States initiated this lawsuit on July 10, 1970, seeking to enjoin defendants to dismantle Baker County School District's dual system based on race. On that same date, this court entered an order requiring the United States and the Baker County School District to collaborate in the preparation of a plan for the immediate conversion of the defendant school district to a unitary non-discriminatory school system. After consultation, the parties agreed to a school desegregation plan. On August 4, 1970, after considering the plan and finding that it in compliance with constitutional requirements, the Court ordered that it be implemented commencing with the 1970-71 school year. The Court retained jurisdiction of the case until it found that the dual system will not be or tend to be reestablished.

The plan approved by the Court required: all students in grades 9-12 to attend Baker County Senior High School with the Keller School providing the vocational education course offerings for high school students: all students in grades 7-8 to attend Baker County Junior High

School; and elementary students attending a new school in the Glen St. Mary area¹ and Macclenny School. Desegregation of faculty, transportation, facilities and extra-curricular activities were also required.

On May 7, 1980 the Court opined with respect to several school districts, including the Baker County School District:

Injunctions ... have been in effect for at least seven years. During this time no new matters have been raised and defendants have filed the required reports religiously. From all appearances, it seems that defendants have taken a positive and productive attitude toward remedying the discriminatory practices that once flourished in their school systems. The Court now deems it time to remove the case from the docket of active civil cases.

The case remains on the inactive docket.

The District successfully desegregated its schools. For the 1972-73 school year, the District enrolled approximately 2986 students of whom 639 (22%) were African-American.

Pursuant to the extant court order students were assigned to the Districts four schools as follows:

<u>School</u>	<u>African -American</u>	<u>White</u>
Macclenny Elementary School (grades K-6)	131(16.1%)	707
Westside Elementary School (grades K-6)	215 (29.7%)	510
Baker JHS (grades 7-8)	98 (20.4%)	386
Baker Co. HS (grades 9-12)	195 (23.1%)	656

The District also desegregated its faculty assigning African-American faculty at each school was reflective of the district-wide average (within +/- 15%). There is no evidence of discrimination in faculty and staff assignment, and there have been no complaints of

¹The new school in Glen St. Mary was not scheduled to open until the 1971-72 school year. For the 1970-71 school year all elementary students from the Taylor School, Sanderson School and Glen St. Mary attendance areas would attend Taylor School and upon completion of the new Glen St. Mary School would then attend that school.

discrimination filed with the EEOC or the Department of Education's Office for Civil Rights or the Department of Justice's Educational Opportunities Section in the last 5 years.

The District has undergone substantial growth, however, it has maintained a desegregated student enrollment at each of its schools that reflect the overall racial composition of the District. For the 2008-09 school year, the District enrolled approximately 4969 students of whom 626(12.5%) were African-American. Student were assigned as follows:

<u>School</u>	<u>African-American</u>	<u>White</u>
Baker County PK/KG Center (grades PK-KG)	73 (11.5%)	533
Macclenny Elementary School (grades 1-3)	72 (14.2%)	420
Westside Elementary School (grades 1-3)	72 (10.5%)	586
J Franklin Keller Intermediate School (grades 4-6)	92 (13.1%)	585
Baker County Middle School (grades 6-8)	153 (13.5%)	944
Baker County Senior High (grades 9-12)	164 (12.4%)	1120

The District has engaged in outreach activities to attract minority faculty and staff. It is a member of the North East Florida Educational Consortium which is comprised of 13 small, rural districts in north east Florida. The Consortium employs a full time recruiter and has targeted and visited colleges with substantial minority enrollments in the eastern part of the country, and has sponsored for the first time in June 2007 a Career Fair. The District also partners with the Florida Fund for Minority Teachers based out of the University of Florida in an attempt to attract minority faculty. Currently, the district employs 330 teachers of whom 19 (5.7%) are minorities. For the 2006-07 school year the District hired seven minorities for 33 positions, for 2007-08, four minorities were hired, and for the current school year, 2008-09, two of the ten teachers hired (20%) were minorities.

There is no evidence of discrimination in the operation of the transportation system,

facilities or extra-curricular or other non-instructional activities.

II. Legal Analysis

It has long been recognized that the goal of a school desegregation case is to convert promptly a *de jure* segregated school system to a system without "white" schools or "black" schools, but just schools. *Green*, 391 U.S. at 442. The standard established by the Supreme Court for determining whether a school district has achieved unitary status, thus warranting termination of judicial supervision, is: (1) whether the school district has fully and satisfactorily complied with the court's desegregation orders for a reasonable period of time; (2) whether the school district has eliminated the vestiges of past *de jure* discrimination to the extent practicable; and (3) whether the school district has demonstrated a good faith commitment to the whole of the court's order and to those provisions of the law and the Constitution which were the predicate for judicial intervention in the first instance. *See Missouri v. Jenkins*, 515 U.S. 70, 87-89 (1995); *Freeman v. Pitts*, 503 U. S. 467, 491-92, 498 (1992); *Board of Educ. of Oklahoma City Pub. Sch. v. Dowell*, 498 U.S. 237, 248-50 (1991).

The Supreme Court has identified six areas, commonly known as the "*Green* factors," which must be addressed as part of the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green*, 391 U.S. at 435; *see Dowell*, 498 U.S. at 250. But the *Green* factors are not intended to be a "rigid framework;" the Supreme Court has approved consideration of other indicia, such as "quality of education," as important factors in determining whether the District has fulfilled its desegregation obligations. *Freeman*, 503 U.S. at 492-93.

Based on the information and data provided by the District, and on all the surrounding facts, the District has complied with the Court's desegregation orders for a reasonable period of time and has eliminated the vestiges of past *de jure* discrimination to the extent practicable. The Court concludes, therefore, that the Baker County School District has met the legal standards for a declaration of unitary status, and that it is entitled to dismissal of this action.

Accordingly, it is hereby ORDERED that all prior injunctions in this case are DISSOLVED, jurisdiction is TERMINATED, and this case is DISMISSED WITH PREJUDICE.

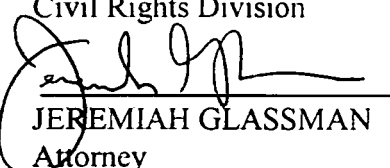
ENTERED THIS 24 DAY OF February 2009.


UNITED STATES DISTRICT JUDGE

APPROVED:

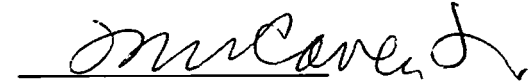
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FOR THE BAKER COUNTY SCHOOL DISTRICT:

A handwritten signature in black ink, appearing to read "J. W. Caven, Jr.", written over a horizontal line.

JOHN W. CAVEN, JR.

Foley & Lardner

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