SUFFOLK PUBLIC SCHOOLS

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To the Honorable Members of the
Suffolk City School Board

Re: United States of America v. Nansemond County School Board, et. al.

Dear Chairman Debranski, Vice-Chair Copeland and Board Members
Skeeter, Byrum, Foster, Bouchard and Brooks-Buck:

At the joint meeting of the School Board and City Council a question was posed as to whether Suffolk Public Schools is subject to a federal desegregation order. The answer is **YES.**

On May 27, 1970, the United States Attorney General filed suit against the Nansemond County School Board and Robert A. Wood, Superintendent, in the case of *United States of America v. Nansemond County School Board, and Robert A. Wood, Superintendent, Nansemond County Schools, Suffolk, Virginia, Civil Action No. 392-70-N.*

The lawsuit alleged, *inter alia,* "At all times prior to the school year 1965-66, the defendants, in operating the Nansemond County school system assigned students to school in accordance with a policy of racial segregation. Under this policy the defendants created and maintained a dual system of public schools, with eight schools traditionally maintained for white students and staffed by white teachers and ten schools traditionally maintained for Negro students and staffed by Negro teachers." The lawsuit further alleged, beginning with the 1965-66 school year, students in the Nansemond County School system were assigned to schools pursuant to a freedom of choice plan; however, the suit alleged that this "freedom of choice method of student assignment [had] failed to eliminate the dual system based on race in Nansemond County." The lawsuit went on to allege, "There are educationally sound alternative methods of student assignment available to the defendants, such as geographic zoning, or consolidation of schools or grades or both, which promise a speedier and more effective conversion to unitary, non-racial school system than the modified freedom of choice plan [that was] in effect."

The lawsuit sought a court order "permanently enjoining the defendants, their employs, agents and successors, and all person in active concert or participation with any of them from failing or refusing to afford equal educational opportunities to all students in Nansemond County School

District without regard to race, and requiring said persons to take prompt affirmative steps to eliminate the racial identities of the schools of said school district with respect to pupils, faculties, transportation, and new construction, and to assign pupils to schools without regard to their race on the basis of unitary geographic attendance zones, consolidation of grades or school or both, or some other system of assignment not based on the choice of the pupil or his parent." [sic].

The court ordered the Nansemond County School Board to file by July 30, 1970, a plan for desegregating its high schools, and to file by August 6, 1970, a plan for desegregating its elementary schools. The United States Attorney General was also granted leave to file objections to the plans.

On October 18, 1971, the federal district court entered an order approving Nansemond County School Board's School Operation Plan for the 1971-72 school year. The Plan approved by the court included the following language:

> This plan is designed to continue the effective operation of an educationally sound, constitutionally viable, unitary, non-racial school system which accomplishes in fact all the mixing of the races of pupils that can be reasonably attained. To this end, the School Board has employed various educationally sound alternative methods of student assignment (e.g. pairing, clustering, satellite zones, non-contiguous school zones, staggered opening times, and a unitary transportation system). The basic intent governing such planning and choices of methods of implementation has been to remove all vestiges of state-imposed segregation and to maintain an educationally sound, constitutionally viable, unitary, non-racial school system.

Elementary School Attendance Zone Descriptions and High School Attendance Zone Descriptions were set forth in the Plan. The Plan also allowed the School Board to review and re-align attendance zones when circumstances warrant such adjustment.

By Order entered December 27, 1974, the School Board for the City of Suffolk and Robert A. Wood, in his official capacity as Superintendent of Schools of the City of Suffolk, were substituted as parties defendant in lieu of Nansemond County School Board and Robert A. Wood, in his official capacity as Superintendent of the Nansemond County School System.

I have attached for your perusal copies of the Complaint filed in this matter, the Court Order approving the School Operation Plan, a copy of School Operation Plan for 1971-72, and a copy of the court docket showing court entries in the case.

On January 18, 2006, I received a letter from the United States Justice Department, Civil Rights Division because they were conducting a periodic review of school systems that operate under court orders in cases where the United States government was a party. The purpose of the review was for the United States Department of Justice to update their records, to assess any changes that may have occurred, and to ensure that the School Board is in compliance with the desegregation orders and applicable federal law.

The United States Department of Justice was in the process of conducting its review as plans were underway for the construction of new elementary school. Their review was suspended temporarily pending final plans for the new elementary school, including student and personnel assignments. Once this information is available, the Department of Justice may resume its review and if the School Board is in compliance with the desegregation orders and applicable federal law, the Department of Justice may join the School Board in a joint petition seeking relief from the desegregation order and for an order declaring Suffolk Public Schools unitary. This occurred with Norfolk Public Schools in 1975. In 1975, the federal court entered an order finding Norfolk Public Schools free of discrimination and unitary, and in 1983 the Norfolk School Board abolished cross-town busing in the elementary grades.

Should there be any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Wendell M. Waller, *Esquire*
School Board Attorney

Enclosures
xc: Deran R. Whitney, *Ed.D., School Superintendent*