



U.S. Department of Justice

Civil Rights Division

ARC
DJ 169-41-83

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September 5, 2007

By First Class Mail

Rex Gordon, Jr., Esq.
PO Box 285
Union, MS 39365

**Re: *United States v. Union Public School District,*
Civil Action 4706 (S.D. Miss.)**

Dear Mr. Gordon:

On April 24, 2007, the district court entered our Agreed Order of Dismissal, declaring that the Union Public School District has achieved unitary status. I have enclosed a copy of that signed order for your records. I have also enclosed the yearbook that the District provided in response to our earlier information requests.

Thank you for your assistance in our review of this case, and please extend our thanks to the District's administration and staff for their cooperation.

Sincerely,

Andrew R. Cogar
Trial Attorney

Enclosures

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA)

Plaintiff,)

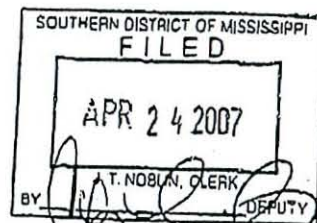
v.)

UNION PUBLIC SCHOOL
DISTRICT, *et al.*,)

Defendants.)

Civil Action No. 4706

(Union Pub. Sch. Dist.)



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AGREED ORDER OF DISMISSAL

In August 2006, the United States initiated a review of the Union Public School District ("District"). Based on an evaluation of the information and data provided by the District, the United States advised the District that, in its view, the District has fulfilled its affirmative desegregation obligations under the Fourteenth Amendment and applicable federal law, entitling the District to a declaration of unitary status. As indicated by the signatures of counsel below, the parties respectfully request that the Court approve this Agreed Order of Dismissal, declaring that the District has achieved unitary status and dismissing this case.

I. PROCEDURAL HISTORY

This school desegregation suit was initiated by the United States against the Union Public School District and several other Mississippi school districts on July 9, 1970. On the same day, the District Court for the Southern District of Mississippi entered an order requiring the United States and the Union Public School District to collaboratively prepare a desegregation

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plan for the District. The district court subsequently approved the parties' proposed desegregation plan and incorporated the plan in an order entered on September 11, 1970 ("desegregation order"). The desegregation order required the closure of the all-black school in the District and directed the District to assign all students to one consolidated school system. In pertinent part, the desegregation order also included provisions mandating equitable faculty assignment, transportation, facilities, and participation in extracurricular activities.

In 2006, to assess the status of the District's desegregation efforts, the United States initiated a review of the case, eliciting information from the District regarding student assignment, inter-district transfers, faculty and staff assignment, facilities, extracurricular activities, and transportation. The United States also considered U.S. Census and other historical data relating to Union Public School District.

II. STIPULATED FACTS

Student Assignment: Prior to 1970, the District operated three schools: Union High School (grades 8-12), Union Elementary School (1-7), and Carver Elementary (1-8). Union High and Elementary Schools enrolled only white students, and Carver Elementary School enrolled only black students. The District transferred black high school students to Bolser High School in Decatur, Mississippi. After the desegregation order, however, the District enrolled all of its students in a single, integrated school system (i.e., one elementary, middle, and high school). As the following table illustrates, the District has since maintained stable enrollment:

School Year	White	Black	Other	Total
1970-71	623 (70%)	267 (30%)	0	890
1978-79	571 (72%)	218 (28%)	0	789
1989-90	595 (69.3%)	257 (30.0%)	6 (0.7%)	858
2005-06	604 (70.2%)	248 (28.8%)	9 (1.0%)	861

Faculty/Staff Assignment: The desegregation order mandated racially proportional assignment of faculty and staff to all District schools and forbade the use of race as a factor in future faculty and staff employment decisions. The District subsequently has eliminated racially identifiable personnel assignment. To illustrate this compliance, the following table reports the number of faculty and staff employed by the District as of August 2006:

Position	Black	White	Total
Principals	0	2 (100%)	2
Teachers	2 (4%)	52 (96%)	54
Certified Staff	0	3 (100%)	3
Non-Certified Staff	11 (25%)	33 (75%)	44
TOTAL	13 (13%)	90 (87%)	103

Transportation: The desegregation order requires that the District design bus routes "to insure the participation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis." The District now operates an integrated student transportation system, bussing students of all races together.

Extra-Curricular Activities: As mandated by the desegregation order, the District provides all students an equal opportunity to participate in sports, student government, extra-curricular activities, and other programs.

Facilities: There is no evidence that the District operates any school facility in a discriminatory manner.

III. LEGAL ANALYSIS

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 that predicated judicial intervention. See Missouri v. Jenkins, 515 U.S. 70, 87-89 (1995); Freeman v. Pitts, 503 U.S. 467, 491-92, 498 (1992); Bd. of Educ. of Okla. City Pub. Schs. v. Dowell, 498 U.S. 237, 248-50 (1991).

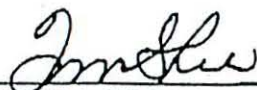
The Supreme Court has identified six areas, commonly known as the "Green factors," which must be addressed to evaluate whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. Green v. County Sch. Bd. of New Kent County, 391 U.S. 430, 435 (1968); see Dowell, 498 U.S. at 250. The Green factors, however, are not intended to be a "rigid framework"; the Supreme Court has also approved consideration of other indicia, such as "quality of education," as important factors in determining whether the District has satisfied its desegregation obligations. See Freeman, 503 U.S. at 492-93.

Based on the information provided by the District and the surrounding facts, this Court concludes that the District has fully and satisfactorily 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. Freeman, 503 U. S. at 491-92, 498. Specifically, the District has demonstrated

that it has eliminated the vestiges of the prior dual school system to the extent practicable in the areas of student assignment, faculty, staff, transportation, facilities, and extracurricular activities. The Court thus concludes that the Union Public School District has met its legal obligations for a declaration of unitary status and 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.

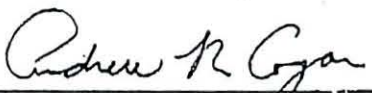
ENTERED THIS 24th DAY OF April, 2007.


UNITED STATES DISTRICT JUDGE

APPROVED:

FOR THE UNITED STATES:

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