

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE BOARD OF SCHOOL
COMMISSIONERS OF THE CITY OF
INDIANAPOLIS, INDIANA,
et al.,

Defendants.

CIVIL ACTION
NO. IP 68-C-225

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

The plaintiff having filed its motion herein praying for a preliminary injunction, as appears more fully in said motion, and the plaintiff and the defendants having agreed upon a basis for the adjudication of the matters to which said motion for a preliminary injunction is related and having entered into certain stipulations, the originals of which have been filed with the Court, and due consideration having been given these matters by the Court, now, the parties having agreed to the contents thereof, the Court makes its Findings of Fact, Conclusions of Law and enters its Order as follows:

Findings of Fact

1. On July 30, 1968, The Board of School Commissioners of the City of Indianapolis adopted Resolution 5851-1968 regarding the assignment and reassignment of teachers and other professional staff members of the Indianapolis school system.

2. The parties have stipulated that for many years prior to the adoption of said Resolution 5851-1968 and at least until July 9, 1968, it had been the general policy and practice of the defendants and their predecessors in office, including The Board of School Commissioners of the City of Indianapolis, through persons acting on their behalf, to fill vacancies, to assign teachers (including substitute teachers) and staff members to schools, and to administer transfer policies, including approving and disapproving transfer applications, so that, in general, the faculty and staff of each school mirrored the racial composition of the school's student body. As a result of this general policy and practice and as reflected in Stipulations I through XII filed herein, all Negro or almost entirely Negro faculties and staffs were generally assigned to schools with all Negro or almost entirely Negro student bodies, all white or almost entirely white faculties and staffs were generally assigned to schools with all white or almost entirely white student bodies, and the remaining schools were generally assigned faculties and staffs whose racial composition mirrored the racial composition of the student bodies of those schools.

3. There has been, therefore, a disproportionately high number of Negro teachers in schools with all or almost entirely Negro student bodies and a disproportionately low number of Negro teachers in schools with all or almost entirely white student bodies.

4. The Court has considered the School Board's Resolution 5851-1968, and for the purposes of this hearing and the plaintiff's application for a preliminary injunction, has

considered the School Board's plan for the 1968-1969 school year as modified and agreed to by the parties.

5. With respect to the motion of the United States for a preliminary injunction, the Court has considered only the question of faculty and staff assignments in the Indianapolis public school system for the 1968-1969 school year.

Conclusions of Law

1. This Court has jurisdiction of the parties and the subject matter of this action under Section 407 of the Civil Rights Act of 1964, 42 U.S.C. 2000c-6, and under 28 U.S.C. 1345.

2. The defendants' policy and practice stated in paragraph 2 of the findings of fact, which resulted in having the racial composition of the faculty and staff in each school mirror, in general, the racial composition of the school's student body, deprived students of the equal protection of the laws in violation of the Fourteenth Amendment.

3. The plaintiff, therefore, is entitled to relief.

4. The School Board's plan for 1968-1969 as set forth in Resolution 5851-1968, specifying the number of regular classroom teachers, part-time teachers and special services personnel, by race, to be assigned to each school in the Indianapolis public school system, is approved except as modified in the Court's order.

Order

It is hereby ORDERED, ADJUDGED and DECREED:

1. The defendants, their agents, employees and successors, in accordance with the provisions of their

Resolution 5851-1968, shall with respect to the school year 1968-1969, discontinue the policy and practice described in finding of fact number 2, and shall take the actions required in paragraphs 2 through 5 of this Order.

2. The School Board plan set forth in Resolution 5851-1968, specifying for the 1968-1969 school year the number of regular classroom teachers, part-time teachers and special services personnel, by race, to be assigned to each school in the Indianapolis public school system, which portion of said plan referring to the 1968-1969 school year is Attachment A hereto, is hereby adopted, except that said plan, by agreement of the parties, shall be modified as follows:

(a) By assigning white and Negro regular classroom teachers so that for the 1968-1969 school year the following schools shall be assigned the following numbers of regular Negro and white classroom teachers:

<u>School</u>	<u>W</u>	<u>N</u>
4	6	22
17	3	10
23	4	12
24	3	8
26	10	45
29	5	18
32	4	15
36	5	21
37	6	28
40	1	5
41	11	47
42	6	27
56	6	30
63	4	12
64	5	23
87	4	18

(b) By assigning an additional 64 Negro regular classroom teachers to schools shown in

the School Board's plan to have none or only one Negro regular classroom teacher assigned for 1968-1969. Such assignments shall be made so that all such schools have at least one Negro regular classroom teacher for the 1968-1969 school year and that as many of such schools as possible have more than one Negro regular classroom teacher for said year.

3. The assignments referred to in paragraph 2 of this Order may, where possible, be achieved by new hiring and voluntary transfers of teachers. However, if those measures do not produce sufficient numbers of teachers the School Board shall assign or reassign the additional teachers needed to comply.

4. The School Board shall file with the Clerk of the Court, and deliver copies to the United States Attorney, within 30 days after the opening of schools for the 1968-1969 school year, the following reports:

(a) a report showing the number of regular classroom teachers, part-time teachers and special services personnel of each race assigned to each school in the system.

(b) a report showing for each school in the system the name, race, grade or other type of position of each regular classroom teacher, part-time teacher and special service person assigned to the particular school after the effective date of this Order. This report shall also show the date of the assignment, whether the person was newly

hired for the system, voluntarily agreed to transfer from another school in the system or was reassigned by the defendants. In each of the latter two cases the report shall also show the school to which the person was initially assigned.

5. Upon reasonable notice, the defendants shall permit representatives of the Department of Justice to inspect and copy those records which show the names, race and assignments of substitute teachers assigned during the 1968-1969 school year.

It is hereby further ORDERED, ADJUDGED and DECREED that a decision respecting all other matters raised in the plaintiff's complaint shall be deferred until any subsequent hearing in this matter.

Jurisdiction

The Court hereby retains jurisdiction over this case.

ENTER

/s/

United States District Judge

This the 5 day of August, 1968.

ATTACHMENT A

<u>Schools</u>	<u>Regular Classroom Teachers</u>		<u>Part-time Teachers</u>		<u>Special Services Personnel</u>	
	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>
1	22	4	1	0	5	1
2	19	1	0	1	8	1
3	20	1	0	1	9	0
4	0	28	0	0	4	2
5	4	7	1	1	4	2
6	8	1	0	1	3	3
7	7	1	1	0	2	0
8	9	1	1	0	6	1
9	16	5	1	1	7	1
10						
11	11	2	2	0	5	2
12	12	5	0	1	2	3
13	9	0	1	0	5	0
14	18	0	2	0	6	1
15	23	0	2	0	7	1
16	10	0	3	0	4	3
17	0	13	1	2	3	3
18	27	0	2	0	6	1
19	11	0	0	0	4	0
20	32	2	0	0	7	1
21	31	2	0	0	6	0
22	13	4	1	0	6	2
23	0	16	0	1	3	3
24	0	11	0	1	5	1
25						
26	3	52	0	2	4	4
27	24	21	0	0	6	1
28	35	3	0	0	10	1
29	1	22	0	2	3	2
30	11	1	0	0	5	0
31	11	0	2	0	6	0
32	1	18	1	2	4	4
33	19	1	1	0	7	1
34	35	2	0	0	4	2

<u>Schools</u>	<u>Regular Classroom Teachers</u>		<u>Part-time Teachers</u>		<u>Special Services Personnel</u>	
	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>
35	16	26	2	0	4	0
35	0	32	0	2	3	3
37	2	11	1	3	10	4
38	16	32	0	0	3	0
39	30	2	2	0	3	2
40	0	5	0	0	3	2
41	3	5	0	0	3	2
42	1	3	0	1	4	2
43	7	30	0	1	4	2
44	11	34	0	1	6	2
45	12	26	0	1	7	2
46	2	0	0	0	6	0
47	2	0	2	0	7	0
49	25	1	3	0	7	1
50	28	0	0	0	6	1
51	22	7	0	2	7	3
52	17	11	1	0	6	0
53	32	3	0	0	5	0
54	27	10	2	0	5	0
55	16	3	0	0	5	0
56	1	5	0	0	8	0
57	22	2	2	0	8	0
58	29	1	3	0	7	0
59	17	1	0	0	7	0
60	18	28	0	0	7	0
61	48	2	0	0	7	0
62	19	20	0	2	5	4
63	4	16	0	4	7	2
64	0	24	0	3	5	0
65	25	11	0	0	7	0
66	18	0	0	0	8	0
67	36	11	0	0	4	0
68	27	0	2	0	6	0

Schools	Regular Classroom Teachers		Part-time Teachers		Special Services Personnel	
	White	Non-White	White	Non-White	White	Non-White
69	13	19	0	2	6	0
70	27	2	2	0	6	2
71	28	9	1	0	7	0
72	34	1	0	0	7	0
73	25	5	0	0	7	1
74	22	2	0	3	9	0
75	13	7	0	2	4	0
76	3	17	0	2	6	0
77	11	0	3	0	8	0
78	23	2	2	0	8	0
79	44	1	0	0	7	0
80	16	0	3	0	7	0
81	15	1	2	2	7	0
82	33	1	0	0	6	1
83	22	0	4	0	4	0
84	21	0	3	0	6	1
85	16	2	3	0	7	0
86	12	5	3	0	3	3
87	3	19	0	1	3	2
88	23	0	4	0	9	0
89	23	0	0	0	8	0
90	26	1	0	0	7	0
91	26	0	2	1	5	1
92	36	2	0	0	5	0
93	20	1	2	0	6	0
94	27	1	1	1	7	0
95	7	0	1	0	6	0
96	25	0	2	0	6	0
97	16	1	2	0	2	0
98	37	0	1	0	9	0
99	13	0	2	0	3	1
100	21	1	1	0	8	0

<u>Schools</u>	<u>Regular Classroom Teachers</u>		<u>Part-time Teachers</u>		<u>Special Services Personnel</u>	
	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>	<u>White</u>	<u>Non-White</u>
101	54	12	0	0	9	1
102	20	0	0	0	8	0
103	32	2	0	0	6	0
105	29	1	2	0	6	1
106	24	1	2	0	6	0
107	22	1	1	1	6	0
108	35	1	1	0	8	0
109	20	0	2	0	6	0
110	11	25	0	0	7	2
111	32	1	2	0	5	0
112	10	0	1	0	7	0
A.H.S.	136	6	0	0	1	1
A.T.H.S.	273	16	0	0	4	2
B.R.H.S.	93	3	0	0	2	0
C.A.H.S.	29	104	0	0	1	4
E.M.H.S.	116	5	0	0	2	1
G.W.H.S.	108	8	0	0	2	0
H.E.W.H.S.	112	24	0	0	5	1
J.M.H.S.	72	3	0	0	2	0
N.H.S.	116	5	0	0	2	0
S.H.S.	99	22	0	0	2	0
T.C.H.H.S.	125	4	0	0	2	0