Documentation of unitary status, 100 districts in South and Border; for Clotfelter, Ladd, and Vigdor, "Federal Oversight, Local Control, and the Specter of 'Resegregation' in Southern Schools," September, 2004.
Summary of Unitary Status.doc
Last Update: 7/29/04

AL	BIRMINGHAM CITY SCHOOL DISTRICT [revised 7/8/04]	**Dual Declaration:** 323 F.2d 333 (1963) **Unitary Declaration:** None to date.	**Dual Declaration:** *Armstrong v. Board of Education of the City of Birmingham* 323 F.2d 333 (1963) Class action to enjoin city board of education from operating compulsory bi-racial school system. Court ordered desegregation. The United States District Court for the Northern District of Alabama, Seybourne H. Lynne, J., 220 F.Supp. 217, denied injunctive relief. The plaintiffs appealed and moved for an injunction pending appeal. The Court of Appeals granted injunction pending appeal restraining city board of education from requiring segregation of races in any school under its supervision from and after such time as might be necessary to make arrangements for admission of children to such schools on racially nondiscriminatory basis with all deliberate speed. **Current Status:** As far as I can tell, the court supervision continues. Google and Lexis Nexis searches did not reveal anything. REVISION: US v. Board of Education of the City of Birmingham 1980 (Consent Decree). Unpublished Opinion as listed in "New Evidence on School Desegregation" by Finis Welch and Audrey Light. 1987. See also: Bynum, Effie, et al. "Desegregation in Burmingham, Alabama: A Case Study." Bethesda, Maryland, 1974. [not found in Perkins Library]
AL	JEFFERSON COUNTY SCHOOL DISTRICT	**Dual Declaration:** 372 F.2d 836 (1966)	**Dual Declaration:** *Stout v. Jefferson County Board of Education* 372 F.2d 836 (1966) [original case filed in 1965, this 1966 case is the ruling of the 5th Circuit Court of Appeals] The court ruled that the desegregation standards of Department of Health, Education, and Welfare are within rationale of decision of United States Supreme Court in Brown case and congressional objectives of Civil Rights Act of 1964. The Court further held that the Constitution compels formerly de jure segregated public school systems based on dual attendance zones to shift to unitary, non-racial systems, with or without federal funds. Lewis Mumford Center, The State of Public Schools

		Unitary Declaration: None to date.	**Current Status:** • As of 1987, the district had not yet been declared unitary. See *Stout v. Jefferson County Board of Education*, 845 F.2d 1559 (1988) and 808 F.2d 1445 (1987). • According to Mumford Center, the case was still active in 2003. No other reference found.

AL	MOBILE COUNTY SCHOOL DISTRICT	**Dual Declaration:** 318 F.2d 63 and 322 F.2d 356 (1963) **Unitary Declaration:** Unpublished decision (?), referenced in: 517 F.2d 1044	**Dual Declaration:** *Davis v. Board of School Commissioners of Mobile County,* 318 F.2d 63 and 322 F.2d 356 (1963) Case involves the effort to convert Mobile County school system from dual to unitary status. The United States District Court for the Southern District of Alabama at Mobile, Daniel Holcombe Thomas, Chief Judge, rendered its decision, and the plaintiffs and the plaintiff interveners appealed and the defendants cross-appealed. The Court of Appeals, Bell, Circuit Judge, held that the Mobile County school system was deficient in student assignment in certain schools and in faculty and staff assignment and these deficiencies must be remedied; however, the system was sufficient in transportation, facilities and extracurricular activities. Subsequent order later dismissed. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** • The district entered a consent decree in 1971 in order to desegregate the district (517 F.2d 1044). • "Unpublished rulings declared many school districts unitary, including… Alabama's Mobile School District…Selected Unitary Status Rulings between 1990-2002, Harvard Civil Rights Project • "A federal judge in Mobile, Ala., has dismissed that school system's desegregation case 34 years to the day after the case was filed. Observers said that it was unusual for both plaintiffs and defendants in the case to call for its termination, including the lawyers for black students, the Mobile County school board, and the U.S. Department of Justice. In his ruling last month, U.S. Senior District Judge W. Brevard Hand said that the dismissal of the case "is not only fair, adequate, and reasonable, but in the very best interests of the plaintiffs' case as a whole." Since a 1989 **consent decree**, officials in the 65,000-student district have set up magnet schools and spent $18 million on construction and renovation projects, said Robert Campbell, the lawyer for the school board. But some local black leaders were considering an appeal last month." "Desegregation Case Retired," Education Week, p. 4. (April 9, 1997)
AL	MONTGOMERY COUNTY SCHOOL DISTRICT	**Dual Declaration:** 232 F. Supp. 705	**Dual Declaration:** *Carr and U.S. v. Montgomery County Board of Education,* 232 F. Supp. 705, (1964) The District Court, Johnson, J., ordered the desegregation of grades 1-4 and grades 7-12 of the public school system of Montgomery county, Alabama, commencing with school term in September 1966 and grades 5 and 6 commencing with school term in September 1967 pursuant to approved freedom of choice plan. Lewis Mumford Center, The State of Public Schools

		Unitary Declaration: None to date.	"In 1969, the issue of faculty assignments was addressed in the Supreme Court in U.S. v. Montgomery County (Alabama) Board of Education. The Court set forth a racial ratio of teachers in the school district using quantitative standards. This decision marked the first time the Supreme Court sanctioned the inclusion of affirmative numerical goals in a school desegregation remedy." "School Desegregation and Prejudice in the United States" by Mary Ellen Leahy. Yale-New Haven Teachers Institute. **Unitary Status :** As far as I can tell, the court supervision continues. Google and Lexis Nexis searches did not reveal anything.
DC	DC PUBLIC SCHOOLS	**Dual Declaration:** 347 U.S. 497 (1954) **Unitary Declaration**: Unknown	**Dual Declaration:** *Bolling v. Sharpe*, 347 U.S. 497 (1954) "We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution" *Bolling v. Sharpe* was a companion case to Brown v. Board of Education. In this case the Supreme Court held the due process clause of the Fifth Amendment prohibits racial segregation in the public schools of the District of Columbia. **Was DC ever under court supervision? Has it every been declared unitary? I can't find any cases. Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)
FL	BREVARD COUNTY SCHOOL DISTRICT	**Dual Declaration:** 467 F.2d 473 **Unitary Declaration:** Unknown	**Dual Declaration:** *Weaver v. Board of Public Instruction of Brevard County*, 467 F.2d 473 (1974) The United States District Court for the Middle District of Florida approved school board plan consisting solely of majority-to-minority transfer from one predominantly black school in county to six predominantly white schools and plaintiffs appealed. The Court of Appeals held that where school board operated 67 schools in system which was 90% white and 10% black, one elementary school was 90% black after black pupils availed themselves of majority-to-minority transfers and such school was in close proximity to predominantly white elementary schools, the employment of majority-to-minority transfer as sole means of desegregating, when other valid means were available, was not proper and such other means must be used. Lewis Mumford Center, The State of Public Schools **Unitary status:** As far as I can tell, the court supervision continues. Google and Lexis Nexis searches did not reveal anything.

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FL	BROWARD COUNTY SCHOOL DISTRICT	**Dual Declaration:** 312 F. Supp. 1127 **Unitary Declaration:** Unpublished ruling	**Dual Declaration:** *Allen v. Board of Public Instruction of Broward County* 312 F.Supp 1127 (1970) The District Court held that school desegregation plan, under which there would be 3,277 black students, in four elementary schools, attending segregated schools, out of 26,695 black students in the whole system, constituted a unitary public school system for county school district, under facts. Appeal was taken. The Court of Appeals ordered modifications in desegregation order by providing for grouping, pairing and clustering. After the Court of Appeals had affirmed in part and reversed in part the judgment of the District Court, the District Court held that the stipulations of parties as to the operation of elementary school which was eliminated from clustering and left in present status because of its special program for children of migrant laborers and as to assignment of kindergarten children to schools serving their residential districts would be approved and high school would be operated as desegregated four-year high school and elementary schools operated with indicated grade assignments. Mumford Center, The State of Public Schools **Unitary Status:** • "Many districts were still in court hashing out desegregation plans in the 1970s. Some, including Orange and Seminole in Central Florida, remain under those plans today…. In Florida, at least five school districts, including **Broward** and Hillsborough, have seen their court orders lifted in the past decade. Seminole hopes to join them this year, and Orange has begun exploring whether it, too, should seek "unitary status" – the legal term for a district that bears no sign it once divided students by race." Leslie Postal. "Schools Change, but Slowly" Orlando Sentinel May 9, 2004. • "Unpublished rulings declared many school districts unitary, including… Florida's Broward, Pinnellas, and Polk Counties" Selected Unitary Status Rulings between 1990-2002, Harvard Civil Rights Project • "Sizable school systems declared unitary in recent years include Buffalo, N.Y.; **Broward County, Fla**.; DeKalb County, Ga.; Denver; and Wilmington, Del. And in many more districts, including Dallas, Duval County, Fla., and the Missouri districts of Kansas City and St. Louis, efforts to achieve unitary status are pending." Without Court Orders, Schools Ponder How to Pursue Diversity," Education Week, p. 36 (April 30, 1997).
FL	COLLIER COUNTY SCHOOL	No court order.	"In 1965, the Collier County School Board voted unanimously to desegregate public schools…Collier County, unlike its neighbor to the north, Lee County, has never been under a court order to desegregate."

	DISTRICT		Ray Parker, Naples Daily News, May 16, 2004
FL	DADE COUNTY SCHOOL DISTRICT	**Dual Declaration:** Original finding: 1960 303 F. Supp. 1068 (1969) (earliest case listing found on Lexis Nexis) **Unitary Declaration**: **(2001) case number unknown**	**Dual Declaration:** *Pate v. Dade County School Board*, 303 F. Supp. 1068, (1969) "On March 17, 1960 United States District Judge Joseph P. Lieb entered an order providing for the implementation of a freedom of choice plan in the schools. From the time of the entry of this order to the present [1969] this case has laid dormant. In the interim the integration of the Dade County School System has proceeded at a moderate rate." [In 1969] The United States District Court for the Southern District of Florida, approved an interim desegregation plan, and ordered the directing board of education to comply the United States Supreme Court decision. The District Court approved school board's desegregation plan with certain modifications, and appeal was taken. The Court of Appeals held that in order to effectively desegregate school system, school desegregation plan which left 22 schools all or virtually all-Negro, housing 25,595 or 44% of Negro population, must be modified to reduce number of Negro students attending all or virtually all-Negro schools from 44% to 24% Of entire Negro student population. The Mumford Center, The State of Public Schools **Unitary Declaration:** *case unknown* **[case number unknown] (**2001) "Miami District Declared Unitary" A federal judge has ruled that Florida's Miami-Dade County schools are desegregated and that the district must no longer report to the court about its desegregation efforts. U.S. District Judge William Dimitrouleas ruled last month that the district has "maintained unitary status," meaning that it is free of the vestiges of a dual school system for blacks and whites. The ruling came after more than 30 years of court supervision of district policy, which began with a 1970 order by the late U.S. District Judge C. Clyde Atkins. According to Judge Dimitrouleas' decision, the district can continue operating race-conscious programs until June 30 of next year [2002], at which time court supervision will end. He said that the district was examining the impact of the opinion, and that it would maintain some of the policies until a review of the system was complete. *Education Week* July 11, 2001 • Also listed as unitary with the Harvard Civil Rights Project
FL	DUVAL COUNTY	**Dual Declaration**:	**Dual Declaration**: *Board of Public Instruction of Duval County, Fla. v. Braxton,* 326 F.2d 616, (1964) "We conclude that the basic findings made by the trial court, which are not here in dispute, that 'up to the present time, said biracial school system has been and is presently continued, perpetuated and maintained by the defendants as a matter of policy, custom and usage,' and that 'now as in the past, Negro personnel are assigned to Negro schools and white personnel are assigned to white schools,' and the further finding

	SCHOOL DISTRICT	326 F.2d 616 (1964) **Unitary Declaration**: 273 F.3d 960 (2001)	that 'in the eight (8) years since the first Brown decision the defendants have not adopted any plan whatever for eliminating racial discrimination in the public school system committed to them for administration,' fully warrant the Court's conclusion: 'In the instant case (and in similar cases) this Court is required by clear and binding precedent to frame a broad decree, granting to the plaintiffs in substance the injunctive relief sought by the complaint.' **Unitary Declaration:** *NAACP v. Duval County*, 273 F.3d 960 (2001). "Forty-one years ago, this litigation began. The original complaint sought the desegregation of the Duval County, Florida school system. Five district court judges have presided over the case since its inception, and, four times, two different circuit courts of appeals have been asked to review one of their decisions. In this fifth appeal, we must decide whether the present district court correctly determined that this litigation should come to an end because the school system has achieved unitary status. We agree with the district court that the answer is "yes."
FL	ESCAMBIA COUNTY SCHOOL DISTRICT	**Dual Declaration:** None found **Unitary Declaration:** None found	"In several Florida settlements (Lee, Escambia, and Polk Counties) we were able to preserve race-conscious relief for additional years" NAACP LDF 2000 Annual Report, pg. 8 District is subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 11 (Table 4) No other information found.
FL	HILLSBOROUGH COUNTY SCHOOL DISTRICT	**Dual Declaration**: 306 F. Supp. 497 (1969) **Unitary Declaration**: 244 F.3d 927 (2001)	**Dual Declaration:** *Mannings v. Board of Public Instruction of Hillsborough County* 306 F.Supp. 497 (1969) On December 12, 1968, plaintiffs filed herein a Motion for Further Relief, contending that the plan of operation then in use by the defendant Board was not functioning as required by decisions of the Supreme Court of the United States and the Fifth Circuit Court of Appeals. The motion alleged that the operation of the defendant's schools had not resulted in a dismantling of the old dual system of white and Negro schools and that some other method of doing so should be provided by the defendant….the Court, on March 5, 1969, ordered the defendant Board to formulate and adopt a comprehensive plan which would effectuate a transition to a racially non-discriminatory school system in Hillsborough County. In 306 F. Supp. 497 (1969), the District Court approves a desegregation plan. The Court also retained jurisdiction of this cause for the entering of such further orders as may be necessary or advisable in the administration or enforcement of this Order. **Unitary Declaration:** *Manning v. Board of Public Instruction of Hillsborough County*, 244 F.3d 927, (2001)

			1998: District Court Declares Non-Unitary In 1998, a federal judge in Tampa rejected a federal magistrate's recommendation that the Hillsborough district be declared unitary, or legally desegregated. The judge was not convinced that shifting demographics and residential patterns were the reason that 16 district schools still had ratios of African-American students that far exceeded the district wide proportion. 2001: Court of Appeals reverses District Court, **declares unitary** On March 16, 2001 a three-judge panel of the U.S. Court of Appeals for the 11th Circuit, in Atlanta, reversed the district judge and ordered that the school system be released from its desegregation orders. "We hold that Appellants have achieved unitary status. We reverse and remand for the district court to enter judgment, in accordance with this opinion, declaring the Hillsborough County school system to be unitary" 2001: NAACP appeals ruling to Supreme Court, **Supreme Court denied review** The NAACP Legal Defense and Educational Fund appealed the ruling to the Supreme Court in Manning v. School Board of Hillsborough County (Case No. 00-1871). The New York City-based civil rights group argued that the 11th Circuit court's ruling improperly shifted the burden of proving that unitary status has been achieved from districts to desegregation plaintiffs. Sources: Education Week, October 10, 2001. Harvard Civil Rights Project, Annex A: List of School Districts declared Unitary
FL	LEE COUNTY SCHOOL DISTRICT	**Dual Declaration:** Original Case filed in 1964, 1969 court forces integration **Unitary Status:** Consent Decree? Unable to locate 7/12/99 case referenced	**Dual Declaration:** *US and Blalock v. Board of Public Instruction of Lee County [unknown case number]* (1969) Negro children brought a class action in a federal district court against the Lee County Board of Public Instruction to enjoin the continued operation of a bi-racial school system. The court entered a decree approving, with some modifications, the voluntarily submitted desegregation plan. Lewis Mumford Center, The State of Public Schools **Unitary Status:** • "In several Florida settlements (Lee, Escambia, and Polk Counties) we were able to preserve race-conscious relief for additional years" NAACP LDF 2000 Annual Report, pg. 8 • "Federal Judge Steven Merryday declared on July 12, 1999, that Lee County was no longer operating two distinct systems — one for whites and one for blacks. His announcement essentially ended the Blalock case after the Lee County School District, NAACP and U.S. Department of Justice agreed on a settlement that required Lee schools to employ an equity director, continue the

			School Choice enrollment program and create a magnet high school in the Dunbar community of Fort Myers. The parties already had agreed that transportation and facility inequities had been addressed. The superintendent and School Board are required by board policy to consult the Unitary School System Advisory Committee for potential changes in the student assignment plan, school openings or closings, land acquisitions, facility reviews and other issues relating to maintenance of a unitary school system." The court supervision of Lee County School District is expected to end in July 2004. Dave Breitenstein, Bonitanews.Com May 16, 2004
FL	MANATEE COUNTY SCHOOL DISTRICT	**Dual Declaration:** 421 F.2d 136, (1969) **Unitary Status:** Unknown.	**Dual Declaration:** *Harvest v. Board of Public Instruction of Manatee County, FL* 421 F.2d 136, (1969) The United States District Court for the Middle District of Florida, Lieb, Chief Judge, found board's plan as submitted to be inadequate and decreed that amended plan be submitted, and cross appeals were taken. The Court of Appeals held that where district court's order would approve plan proposed by school board and amended by court which did not establish racially unitary school system, order would be reversed and cause remanded for compliance with requirements of Supreme Court decision mandating that school districts may no longer operate dual system based on race or color. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** Unknown. Still under court order? Google and Lexis Nexis searches did not pull anything up.
FL	MARION COUNTY SCHOOL DISTRICT	**Dual Declaration:** Case number unknown (1978) **Unitary Status:** Consent decree (1995)	**Dual Declaration:** Years prior to 1964 have been dubbed "paper compliance" years when Marion County and other school systems submitted desegregation plans to the U.S. Department of Health, Education and Welfare. Almost without exception, those plans were rejected as inadequate….HEW began prodding the district in 1973, threatening to initiate administrative proceedings to terminate the county's financial assistance. The case was turned over to the U.S. Justice Department's civil rights office which filed a lawsuit against the school board in 1978…The lawsuit dragged on and in 1983 the district agreed to abide by a federal desegregation order…. A federal judge reopened the case in 1993 and following a year of investigation, the Justice Department cited the district for its "continuing failure" to keep schools racially balanced" OCLA.Com "Fight to Desegregate School System Continues" January 1, 2003. **Unitary Status:** During an emergency session in 1995, just weeks before the school board was set to defend its desegregation efforts in federal court, the board unanimously agreed to a $5 million program to settle

			the lawsuit and provide racially balanced schools by 2000. OCLA.Com "Fight to Desegregate School System Continues" January 1, 2003.
FL	ORANGE COUNTY SCHOOL DISTRICT	**Dual Declaration**: 423 F. 2d 203 **Unitary Declaration**: Not yet declared.	**Dual Declaration:** *Ellis V. The Board of Public Instruction of Orange County, Florida,* 423 F. 2d 203 (1970) The United States District Court for the Middle District of Florida entered order in connection with conversion of dual school system into unitary system, and plaintiffs appealed. The Court of Appeals held that order would be vacated and case remanded for compliance with recent decisions of United States Supreme Court and Court of Appeals. The Court of Appeals took the case for final decision on the merits and held that, if county wished to maintain neighborhood assignment system for its public schools, it must do so without variances and each student in system must be assigned to attend school nearest his or her home, limited only by capacity of school, and then to the next nearest school, and students must be transferred to accomplish that end. Lewis Mumford Center, The State of Public Schools **Unitary Status:** District still under federal court order. Not yet unitary. 1. "Orange County is currently under a federal court order that monitors the racial balance in the schools." (2002) The School Board of Broward County, FL, Office of the Superintendent. "2002-2003 School Boundary/Assignment Report". December 13, 2002. Page 12. 2. "Many districts were still in court hashing out desegregation plans in the 1970s. Some, including **Orange** and Seminole in Central Florida, remain under those plans today…. In Florida, at least five school districts, including Broward and Hillsborough, have seen their court orders lifted in the past decade. Seminole hopes to join them this year, and **Orange** has begun exploring whether it, too, should seek "unitary status" – the legal term for a district that bears no sign it once divided students by race." Leslie Postal. "Schools Change, but Slowly" Orlando Sentinel May 9, 2004.
FL	OSCEOLA COUNTY SCHOOL DISTRICT		No information found on Lexis Nexis or Google searches.

FL	PALM BEACH COUNTY SCHOOL DISTRICT	**Dual Declaration:** 258 F.2d 730, (1958) 465 F.2d 370, (1972) **Unitary Declaration:** Did not find reference to 1973 declaration. No official court case in 1990s, looks like it was handled outside of litigation.	**Dual Declaration:** 2 cases are relevant 1. *Holland v. The Board of Public Instruction of Palm Beach County*, 258 F.2d 730, (1958) US 5th Circuit Court of appeals ruled that the "primary responsibility rests on the County Board of Public Instruction to make 'a prompt and reasonable start,' and then proceed to 'a good faith compliance at the earliest practicable date' with the Constitution as construed by the Supreme Court. 'During this period of transition,' the district court must retain jurisdiction to ascertain and to require good faith compliance. The [district court's] judgment of dismissal is therefore reversed and the cause remanded. 2. *Holland v. The Board of Public Instruction of Palm Beach County*, 465 F.2d 370, (1972) "This cause is remanded to the district court with directions to forthwith order the defendants to act now to desegregate the faculties and other staff of this entire school district… to institute and implement systemwide procedures for majority to minority transfer of students and parent notification…to reexamine and, if necessary, reconstitute its transportation system in accordance with the requirements of *Singleton, supra*; to adopt policies covering school construction and site selection and transfers of students into or out of the district in accordance with the requirements of *Singleton, supra*; and to prepare and file with the district court semi-annual reports." **Unitary Status Timeline:** 1973: Judge rules Palm Beach County schools integrated. **[Can't find case in lexis nexis]** 1990: US Department of Education declares that Palm Beach County schools have resegregated (due in part to a poor bussing plan). The US DOE gave the district until 1995 to fix the problem. 1995: The DOJ's Office of Civil Rights approved a desegregation plan for Palm Beach County 1999: The DOJ's Office of Civil Rights stops monitoring Palm Beach County 2002: Palm Beach County stops bussing black students, eliminating last remnant of 1970s desegregation efforts. Source: The Sun Sentinel.com, "The History of Brown V. Board of Education: A timeline of Key events

FL	PASCO COUNTY SCHOOL DISTRICT	**Dual Declaration**: Consent Decree (1973) **Unitary Declaration:** Nothing.	**Dual Declaration:** 1973 Department of Justice entered into consent decree in which court declared district unitary, & closed case & referred it to HEW for monitoring. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** No information found on Lexis Nexis or Google searches.
FL	PINELLAS COUNTY SCHOOL DISTRICT	**Dual Declaration:** 431 F.2d 1377 **Unitary Declaration**: Consent Decree Unitary Status granted on August 10, 2000. **electronic copy of order located at: G:\teachqra\Unitary Status\ConsentDecrees/ PinellasCountyFL ConsentDecree.pdf **	**Dual Declaration:** *Bradley v. Board of Public Instruction of Pinellas County*, 431 F.2d 1377, (1970) The United States District Court for the Middle District of Florida, at Tampa entered order approving desegregation plan submitted by school board and plaintiffs appealed. The Court of Appeals held that school board's desegregation plan which did not change majority-to-minority transfer policy, which during 1969-70 school year had resulted in transfer of only 62 students, and which left intact two biracial committees operating in county would not be approved, and board should be directed to use system for assignment of students commensurate with a unitary system. Petition for rehearing denied. Lewis Mumford Center, The State of Public Schools **Unitary Declaration**: (2000) • "In 1998, Pinellas County Schools started moving toward a unitary school system as a means of ending court-ordered busing. On August 10, 2000, Federal Judge Steven Merryday granted Unitary Status for Pinellas County Schools" Pinellas County School District Web Site • The NAACP LDF "negotiated an exceptional settlement last year in **Pinellas County, FL**. The school board had sought "unitary status" and dismissal of recent litigation…Instead the district court approved a comprehensive agreement that will allow the current desegregation plan to continue with slight modifications for the next three school years…The settlement is especially significant because every contested motion for unitary status…has been lost by plaintiffs". NAACP LDF Source Link, page 8. • "…the Court hereby approves the Agreement as the parties' settlement of this case pursuant to FED. R. CIV. P. 23(e), dismisses this lawsuit and vacates all earlier orders, and withdraws federal supervision over the operations of the Pinellas County, Florida, school district (subject only to the retention of ancillary jurisdiction to enforce the Agreement if necessary). Link to Consent Decree • "Unpublished rulings declared many school districts unitary, including… Florida's Broward,

			Pinnellas, and Polk Counties" Selected Unitary Status Rulings between 1990-2002, Harvard Civil Rights Project
FL	POLK COUNTY SCHOOL DISTRICT	**Dual Declaration**: Earliest case cited in Lexis Nexis: 575 F.2d 1146 (1978) **Unitary Declaration**: Consent Decree.	**Dual Declaration:** *US and Mills v. Board of Public Instruction of Polk County* 575 F.2d 1146 (1978) The original lawsuit to end segregation in Polk County was filed in fall 1963, almost a decade after the Brown decision. Althea Mills, a resident of Winter Haven, sued the district because she thought her son, Herman Henry Mills Jr., was receiving a second rate education. She and other families were represented by the NAACP Legal Defense Fund. A federal court ordered Polk County to end its "biracial" school system and desegregate in 1965. Integration began during the 1965-1966 school year and mandatory desegregation occurred during the 1969-1970 school year. The Ledger.Com, Andrew Dunn May 17, 2004 see also: Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** • The [Polk County School] district remained under a federal court desegregation order until March 2000, when it was granted "unitary status," meaning it no longer operates a segregated school system. The Ledger.Com, Andrew Dunn May 17, 2004 • "In several Florida settlements (Lee, Escambia, and **Polk** Counties) we were able to preserve race-conscious relief for additional years" NAACP LDF 2000 Annual Report, Pg. 8 • "Unpublished rulings declared many school districts unitary, including… Florida's Broward, Pinnellas, and **Polk** Counties" Selected Unitary Status Rulings between 1990-2002, Harvard Civil Rights Project
FL	SARASOTA COUNTY SCHOOL DISTRICT	**Dual Declaration:** 428 F.2d 809 (1970) Note: Lexis Nexis does not have original case, earliest one is an appeal filed in 1970	**Dual Declaration:** *Mays v. The Board of Public Instruction of Sarasota County*, 428 F.2d 809, (1970) School desegregation litigation began in 1963. *LexisNexis* begins recording cases on the issue in 1970, with 428 F.2d 809, which documents the desegregation plan. Plaintiffs brought a class action on behalf of Negro children seeking desegregation of an allegedly compulsory bi-racial school system. Defendants admitted that there formerly had been a policy of racial segregation, but denied that such a policy was still in existence and contended that they were engaged in a program of desegregation under which the first six grades had been desegregated and higher grades would be desegregated successively as students are promoted. After a trial, the court found that such a program was being implemented in good faith except that in one school, consisting of several buildings several miles apart, students were attending classes in different buildings on a racially separate basis. The court ordered that this complex be operated on a nonsegregated classroom basis, and that defendants continue to effectuate in good faith their plan of integration and to avoid modifying school

		Unitary Status: Unknown	district boundaries as a means of effecting assignment of pupils by reason of race. Lewis Mumford Center, The State of Public Schools **Unitary Declaration/Status:** Unknown. Google and LexisNexis searches did not reveal any information
FL	SEMINOLE COUNTY SCHOOL DISTRICT	**Dual Declaration:** Unknown. **Unitary Status:** Still under court order	**Dual Declaration:** Unknown. **Unitary Status:** Still under court order desegregation plan • "Many districts were still in court hashing out desegregation plans in the 1970s. Some, including Orange and **Seminole** in Central Florida, remain under those plans today…. In Florida, at least five school districts, including Broward and Hillsborough, have seen their court orders lifted in the past decade. **Seminole** hopes to join them this year [2004], and Orange has begun exploring whether it, too, should seek "unitary status" – the legal term for a district that bears no sign it once divided students by race." Leslie Postal. "Schools Change, but Slowly" Orlando Sentinel May 9, 2004.
FL	VOLUSIA COUNTY SCHOOL DISTRICT	**Dual Declaration:** 430 F 2d 309 (1970) **Unitary Status:** Unknown	**Dual Declaration:** *Tillman v. Board of Public Instruction of Volusia County,* 430 F.2d 309, (1970) School desegregation litigation began on June 3, 1960. *LexisNexis* begins recording cases on the issue in 1970, with 430 F 2d 309 which documents the desegregation plan. Appeals were taken from order of the United States District Court for the Middle District of Florida, Jacksonville, which adopted school desegregation plan. The Court of Appeals held that district court's finding that school desegregation 'plan B-1' would achieve unitary schools in Volusia County, Florida while 'plan B' and plan 'B-2' would have perpetuated dual school system in particular school was supported by substantial evidence. Affirmed. Lewis Mumford Center, The State of Public Schools **Unitary Status:** Unknown. Google and Nexis searches did not pull up any additional information
GA	ATLANTA CITY SCHOOL DISTRICT [revised 7/8/04]	**Dual Declaration:** 362 F. Supp. 1249	**Dual Declaration:** *Calhoun v. Cook*, 362 F. Supp. 1249 (1973) The Court of Appeals held that plaintiffs would be afforded a reasonable opportunity to present and support an alternate and superior plan for desegregation of school system, which plaintiffs indicated could be and was being developed. The Court further held that issue of taxation of costs and fees was a matter initially committed to sound discretion of district court, which should be carried with case

		Unitary Declaration: 362 F. Supp. 1249 (1973) 522 F.2d 717 (1975) **this reference is suspect.**	pending ultimate resolution thereof. Vacated in part. After remand, the United States District Court for the Northern District of Georgia entered judgment, and plaintiffs appealed. Following interim order and remand, the District Court certified findings and conclusions, and plaintiffs appealed. The Court of Appeals held that findings and conclusions that school system was nondiscriminatory and unitary would be vacated and cause remanded for determination of status of class or classes in the litigation and for entry of order requiring school system to prepare and submit a comprehensive desegregation plan. Reversed and remanded with directions. The District Court, held that under circumstances it was not necessary to distribute remaining minority white students prorata throughout entire system, and that school desegregation plan for Atlanta, Georgia, public schools was fair, adequate and reasonable, and would be adopted as final decree of federal court with certain additional provisions. The United States District Court for the Northern District of Georgia at Atlanta adopted a plan and plaintiffs appealed. The Court of Appeals held that findings that Atlanta school district was unitary and had purged itself of all vestiges of the formerly state imposed dual system and that the remaining one-race schools were the product of city's preponderant majority of black pupils were not clearly erroneous; and that the majority to minority transfer plan in which participation was solely on a voluntary basis was not improper even if the movement involved was entirely by black students. Affirmed. The Mumford Center, The State of Public School Integration See also: *Calhoun v. Cook*, 362 F.Supp. 1249 (1973); *Calhoun v. Cook* 487 F.2d 680 (1973): **Unitary Status:** *Calhoun v. Cook*, 362 F. Supp. 1249 (1973); and 522 F.2d 717 (1975) The Court of Appeals held that findings that Atlanta school district was unitary and had purged itself of all vestiges of the formerly state imposed dual system and that the remaining one-race schools were the product of city's preponderant majority of black pupils were not clearly erroneous; and that the majority to minority transfer plan in which participation was solely on a voluntary basis was not improper even if the movement involved was entirely by black students. Affirmed. Lewis Mumford Center, The State of Public Schools • **I couldn't find out if this ruling was overturned…my guess is that it was, but I'm unable to document it.** **Additional possible sources:** DISSERTATION Gong, Wei-ling. "Race, Class, and Atlanta Public School Integration, 1954-1991." Emory University, November 1991. Advisor: Dan T. Carter (2, 11, 6)
GA	CHATHAM COUNTY SCHOOL DISTRICT	**Dual Declaration:**	**Dual Declaration:** *US and Stell v. Savannah-Chatham County Board of Education* 220 F. Supp. 667 (1963) The Court of Appeals held that approval, as remedy for past discrimination, of desegregation plan relying heavily on magnet programs in predominantly black schools and voluntary "majority to

		220 F. Supp. 667 **Unitary Declaration:** 860 F. Supp 1563	minority" transfers was not abuse of discretion. Affirmed and remanded. School district sought approval of desegregation plan. The District Court approved plan and appeal was taken. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** *US and Stell v. Savannah-Chatham County Board of Education*, 860 F. Supp. 1563 (1994) Following the failure of numerous school desegregation plans in the 1970s to effectively desegregate the schools in the Savannah-Chatham County School District, in 1985, this Court ordered the Defendant School Board to submit a revised desegregation plan "so as to bring an end, once and for all, to the dual system of education that continued in [the] school system."…the Court issued an Order on June 3, 1988, approving the School Board's plan and ordering its immediate implementation. At this time, the 1988 Plan has spanned six years. Twenty-three years have elapsed since the initiation of federal court supervision, and thirty-two years since the suit's inception. …After careful consideration of the record, the testimony adduced at the hearing, and the applicable law regarding attainment of unitary status, the Court … [declares that] the Savannah-Chatham County School District is declared unitary in all aspects, this action is **DISMISSED** with prejudice, and all injunctions against the School Board and School System are hereby **DISSOLVED.**
GA	CLAYTON COUNTY SCHOOL DISTRICT	**Dual Declaration:** 331 F Supp. 466 **Unitary Declaration:** Unknown.	**Dual Declaration:** *US v. Board of Education of Clayton Count* , 331 F Supp. 466, (1971) Attorney General brought action in behalf of United States wherein order was sought that would enjoin discrimination against black students attending public schools in county and that would require affirmative action to disestablish dual system of schools. The United States made motions for summary judgment and for substitution of parties. The District Court, Richard C. Freeman, J., held that evidence raised substantial fact issue as to whether school district was unitary school system rather than dual system that precluded summary judgment. The court further held that where one school did not meet requirements for an integrated school and suit was brought for purpose of integration of such school, requirements, which were sought by government, in conjunction with county board of education's proposed plans, and which pertained to standard provisions relating to filing of semiannual reports, guidelines for desegregation of faculty and other staff, school construction and site selection, and attendance outside system of residence, would be required to be included, notwithstanding contention that district as a whole met requirements of a fully integrated system. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** Unkown. No sources found on google and lexis nexis

GA	COBB COUNTY SCHOOL DISTRICT	**Dual Declaration:** Civil case??? **Unitary Declaration:** Unknown.	**Dual Declaration:** Civil No. 16708 United States District Court for the Northern District of Georgia, Atlanta Division, September 24, 1979, Decided. This civil action was filed in 1972 as a class action by indigent black parents of children who attend the metropolitan Atlanta **schools** and who desire integration of the **schools.** Defendants to the action who appeared before this court for the initial hearing in the liability portion of the trial were six county boards of education, four city [*2] boards of education, and the State Board of Education. The plaintiffs have consistently maintained that they seek no intradistrict relief in this case. They have insisted throughout that only the imposition of an interdistrict remedy will yield a truly integrated **school** situation in the metropolitan Atlanta area. The trial of the action has been approached in a bifurcated fashion. The court has now completed the liability portion of the trial. At the end of plaintiffs' case, by its order of March 2, 1978, the court dismissed the Clayton County Board of Education, the Cobb County Board of Education, the Douglas County Board of Education, the Gwinnett County Board of Education, the Buford Board of Education, the Decatur Board of Education, and the Marietta Board of Education. In March, 1978, the court heard evidence of the remaining four defendants: the DeKalb County Board of Education, the Fulton County Board of Education, the Atlanta Board of Education, and the State Board of Education. Plaintiffs were heard in rebuttal in April, 1978, and oral arguments were heard in May. The court is now ready to make a decision as to the liability of the remaining four defendants. **Unitary Declaration:** Unknown. Google search did not reveal any information.
GA	DEKALB COUNTY	**Dual Declaration:** Original case in 1969 Earliest Reference on Lexis Nexis: 755 F.2d 1423 (1985)	**Dual Declaration**: *Pitts v. Freeman*, 755 F.2d 1423 (1985) In 1969, the district court issued a desegregation order that required the defendants to dismantle the previously dual school system and to institute a unitary system. For the next 27 years, the DeKalb County School System was under the supervision of the federal courts. This court supervision was a major influence on the DeKalb School System and the way in which it operated. Lewis Mumford Center, The State of Public Schools In 1985 the school district was declared unitary. Plantiffs appealed. They contended that the district

		Unitary Declaration: 942 F.Supp 1449	court erred in characterizing the DeKalb system as unitary and in making proof of discriminatory intent a requisite to affording requested relief. The appeals court agreed and reversed the decision and remanded the case for further consideration. **Unitary Declaration:** *Mills v. Freedman*, 942 F. Supp. 1449, (1996) "The court finds that the DeKalb County School System has attained unitary status and has fully remedied the constitutional violation caused by its former maintenance of a dual system. All injunctive decrees are hereby dissolved, and the DeKalb County School System shall hereby resume full control over the operation of the schools which are within its jurisdiction under the laws of the State of Georgia". --WILLIAM C. O'KELLEY, United States District Judge • In **1989**, the DeKalb Board of Education petitioned the Court to declare the school system unitary. The Circuit Court did so, but the Appellate court disagreed, stating that DeKalb had a long way to go to be unitary. The Appellate Court decision stated that DeKalb must be unitary in six areas (student assignment, faculty and staff placement, transportation, extracurricular activities and facilities) at the same time and for at least two to three years. The Board of Education appealed this decision to the Supreme Court and in **June of 1996**, the Supreme Court ruled that the DeKalb School System was Unitary. This ended the 27 years of court supervision. Dekalb County School District Web Page and • See also: Harvard Civil Rights Project, Selected Unitary Status Rulings between 1990-20021
GA	FULTON COUNTY	**Dual Declaration**: Earliest case referenced on Lexis Nexis: 430 F 2d 552 (1970) **Unitary Status:** 2003 legal settlement.	**Dual Delclaration:** *Hightower v. West*, 430 F 2d 552 (1970) The court found that "the School Board seems to have compiled a record of good faith in attempting to comply with the law, first through voluntary compliance with HEW, and now through cooperation with the district court. We expect that the district court will continue to give the desegregation process in Fulton County its scrutiny and that the School Board will continue its efforts to meet the law's demands….We believe, however, that the district court and the parties may have overlooked one more available remedy. With its original zoning proposal relating both to the high schools and the elementary schools, the School Board coupled a plan for what we have elsewhere called "part-time desegregation"." **Unitary Status:** Legal Settlement, 2003 A tentative agreement with the Fulton County Board of Education was announced in a long-running school desegregation case. While formal approval by the Court is pending the tentative agreement means that the unitary status hearing, originally scheduled to begin on March 17th will not take palce. If approved by the Court, the settlement would bring the lawsuit to a close and end a desegregation order that has been in place in the Fulton County School System since 1970. NAACP Legal Defense Fund

			Web Site On June 6, 2003 U.S. District Court Judge Robert Vining issued a written order approving a settlement agreement between the Fulton County Board of Education and the plaintiffs in the long-running *Hightower v. West* school desegregation case. With the settlement, the Fulton County School System has now been granted unitary status. Fulton County School District News Page
GA	GWINNETT COUNTY	Not subject to court-ordered desegregation.	Not subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 3)
GA	MUSCOGEE COUNTY	**Dual Declaration:** 342 F.2d 225 (1965) **Unitary Declaration:** 111 F.3d 839 (1997)	**Dual Declaration:** *Lockett v. Board of Educ. of Muscogee County*, 342 F.2d 225 (1965) Case offers summary of previous litigation. African-American public school students obtained injunction prohibiting school board from operating dual education system. Students subsequently moved to require compliance with injunction. The United States District Court for the Middle District of Georgia initially dismissed motion as moot, but the Court of Appeals, 976 F.2d 648, remanded for consideration on merits. On remand, the District Court, No. 64-991-COL, J. Robert Elliott, J., granted school's motion for final dismissal and declaration of unitary status. Students appealed. The Court of Appeals, 92 F.3d 1092, affirmed in part, reversed in part, and remanded. On rehearing, the Court of Appeals held that: (1) district court's conclusions that school board proved that racial imbalances were result of voluntary housing pattern and demographic change was not clearly erroneous, and (2) district court's conclusion that school board had in good faith shown commitment to, and had fully and satisfactorily complied with, desegregation plan was not clearly erroneous. Lewis Mumford Center, The state of Public Schools See also: Harvard Civil Rights Project, list of Unitary School Districts The referenced case deals with the proposed desegregation plan and rules that the district's proposed plan to desegregate grades nine and ten, in addition to grades eleven and twelve which would be reached under plan in September, 1965, would also be required to include first grade at that time in order to comply with minimum federal constitutional requirements for desegregation. Lewis Mumford Center, The State of Public Schools **Unitary Declaration:** *Lockett v. Muscogee Board of Education*, 111 F.3d 839 (1997) "The district court's conclusions that the school board has eliminated the vestiges of *de jure* segregation as far as practicable and that the school board has shown a good faith commitment to and compliance with the desegregation plan were not clearly erroneous. Accordingly, we affirm the district court's final

			dismissal and declaration that the school board has attained unitary status."
GA	RICHMOND COUNTY	**Dual Declaration:** 336 F Supp 1275 **Unitary Status:** unknown	**Dual Declaration***: Acree v. Drummond*, 336 F Supp 1275 (1972) (original case in 1965) This case provides an excellent summary of the original case and subsequent appeals for the past seven years. This case (originated in 1965) outlines desegregation plan and places district under court supervision. The Court of Appeals held that it ordered District Court to appoint biracial advisory committee to formulate desegregation plan for public schools in Richmond County, Georgia to be effective for 1970-71 school year and to order the formulation of such a school desegregation plan, together with maps and reports pertaining thereto, which would be submitted to the District Court no later than July 28, 1970 and that the District Court must enter its order no later than August 3, 1970. On remand from the Court of Appeals, the United States District Court for the Southern District of Georgia at Augusta, entered order and plaintiffs appealed. The Court of Appeals held that District Court could utilize "forced bussing" to achieve school desegregation. The Court also held that trial court could not permit Board of Education to rely on inferiority of certain school facilities to which children were to be transferred as a justification for continued racial discrimination. Affirmed as modified. Lewis Mumford Center, The State of Public Schools **Unitary Status:** Unknown. No results on Google or LexisNexis searches.

KY	FAYETTE COUNTY [revised]		The original court case that declared the system out of compliance was: Jefferson v. Board of Education, 344 F. Supp. 688; 1972 . Interestingly, unlike other suits, there appear to have been no follow-up cases or rulings since that time. This excerpt (undated; appears to be March 2002) from an article at a heavily-biased grass-roots site indicates that Fayette Co. is indeed still under court order, though there are no details: "The chaos [resignation of the superintendent; loss of state funding] comes at a time when Fayette County, the second largest district in the state, struggles with a continuing achievement gap between black and white students, unresolved issues of redistricting and school construction, the need to achieve unitary status, and an effort to do away with magnet schools that do not serve an educational purpose or which have not improved student achievement." – National Assn. for Neighborhood Schools, http://members.aol.com/rhaws/break7.htm
KY	JEFFERSON COUNTY [revised]	Hampton v. Jefferson County Bd. of Educ., 102 F. Supp. 2d 358, 2000	For the record, Jefferson Co. and Louisville City were merged by court order in 1975, and the merged system moved to a voluntary desegregation plan in 1984. See Quality Counts '98. This court case is unique in that a) the plaintiffs requested removal of court-ordered relief against the will of the school district, and b) the plaintiffs were African-American: "Twenty-five years ago, United States District Judge James F. Gordon entered a decree designed to remedy discriminatory practices in our public schools. That action formed a lasting impression upon this community, reshaping our school system and our view of the federal courts. In the intervening years, the Jefferson County Public Schools succeeded admirably in meeting the original objectives of the 1975 desegregation decree (the "Decree"). Recently, this Court had occasion to revisit that case and its background. See Hampton v. Jefferson County Bd. of Educ., 72 F. Supp. 2d 753, 755--770 (W.D. Ky. 1999) ("Hampton I"). In that opinion, this Court held that the Decree continued to govern the Board's actions. Plaintiffs now move to dissolve the Decree. Never before have the plaintiffs been African-Americans, for whose supposed benefit such decrees were entered. This case manifests our many competing visions about educating our children, as well as the confusion and frustration attending our nation's long project of remedying the effects of racial segregation. . . . . First, the Court concludes that Judge Gordon's original Decree, as continued by Judge Ballantine, should be dissolved. This is appropriate because the Board has demonstrated extraordinary good faith and has

		But see also: McFarland, et al. v. Jefferson County Public Schools, et al. ; no decision yet (I think) [I can't find a full cite on LexisNexis or on the web in general; it's being tried in the Kentucky Western court, 6th U. S. District] →	accomplished all the purposes of the Decree. To the greatest extent practicable, the Decree has eliminated the vestiges associated with the former policy of segregation and its pernicious effects. Next, the Court concludes that the Board's use of racial quotas in the Central High Magnet Career Academy would violate the Equal Protection Clause. [**4] The Board must admit to Central any students who applied for this coming school year and were denied enrollment due to race. The Board must do this for the 2000-2001 school year." From NAACP (http://www.naacpldf.org/content.aspx?article=31), December 8th, 2003: "McFarland is the first major federal district court hearing to determine the constitutionality of race-conscious student assignment policies at the primary and secondary school level following the U.S. Supreme Court's landmark University of Michigan rulings earlier this year. LDF was lead counsel for African-American and Latino student interveners in the University of Michigan undergraduate school case." "At issue in McFarland is whether a school district may employ race-conscious means to establish integrated learning environments and avoid racial isolation of its students. On October 21, 2002 [trial started in 2003], a white parent filed a lawsuit against the Jefferson County School District in Louisville, Kentucky, alleging that its integrative student assignment policies violate the constitutional rights of his two children. The plaintiff, along with several other parents who subsequently joined the litigation, seeks both injunctive relief and damages." "Today, the district operates a system of "managed choice," which takes into consideration student and parental needs and interests, program and building capacity, magnet schools, and optional and magnet programs. In essence, the district's fairly complex student assignment policies permit significant student and parental school choice while also seeking to preserve racial integration in each of the district's schools that had been achieved over the previous two-and-a- half decades of court-ordered school desegregation."
LA	CADDO PARISH SCHOOL BOARD [REVISION 7/8/04]	Jones v. Caddo Parish Sch. Bd., 204 F.R.D. 97; 2001 September 26, 2001	This appears to have been the last legal challenge to the district's contention that it deserved unitary status (first filed in 1987, based on consent decree ruling in 1981). See the case itself. REVISION: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)

LA	CALCASIEU PARISH SCHOOL BOARD (formerly the Lake Charles School Board)		Rickey Dale CONLEY et al., Plaintiffs-Appellants, v. LAKE CHARLES SCHOOL BOARD et al., 434 F.2d 35; 1970 – Ruled to still be a dual system, August 25, 1970 – full case documentation here, including a review of the six criteria from Green v. New Kent. There does not appear to be a follow-up to this decision.
LA	EAST BATON ROUGE PARISH SCHOOL BOARD [revised] [revised 7/8/04]	Davis & United States v. East Baton Rouge Parish School Board [the 2003 decision is not listed on LexisNexis, but it	The June 17th, 2002, cited by Demarron was not a unitary ruling but instead asserted that the 1996 consent decree was still in effect and that the school board was premature in its motion for dismissal (declaration of unitary status). The full court order can be found by clicking here. From: **United States Attorney's Office website (http://www.usdoj.gov/usao/lam/press/press0204.html)** **Middle District of Louisiana** **David R. Dugas, United States Attorney** **'18 May, 2002 East Baton Rouge Parish School System desegregation case** On June 17, 2002, Judge James J. Brady granted the United States' Motion to Enforce Consent Decree in the East Baton Rouge Parish School System desegregation case. In that motion, the Department of Justice asserted that the East Baton Rouge Parish School Board's Motion for Declaration of Unitary Status was premature and should be denied because the consent decree prohibits the filing of a motion for unitary status at this time. 'In his written Ruling, Judge Brady stated that he is pleased with the efforts of the parties and their counsel to resolve some of the issues in the case. He further stated that the school system has probably obtained unitary status in some unspecified areas and he may consider granting partial unitary status at a later time. He ordered that the parties resume the previously convened mediation on Monday, June 24, 2002. 'David R. Dugas, the United States Attorney for the Middle District of Louisiana, commented, "We are obviously pleased with this favorable decision and look forward to continued progress when formal mediation is resumed."' The final approved plan granting unitary status, which is good for four years, appears to be a magnet + voluntary transfer plan, not a direct busing plan. Read the agreement (25 pages long) to verify my interpretation. Case began in 1956, according to an August 9th, 2003, article in the Times-Picayune, and was settled 8/14/03 (the agreement was signed July 16th, 2003). Busing was not ordered until 1981. See http://mumford1.dyndns.org/cen2000/newspdf/nola_schoolsegregation.pdf but especially see the DOJ

		appears that the final case affirming the original desegregation plan was 721 F. 2d 1425; 1983], Updated unitary decision: August 14th, 2003	information at http://www.usdoj.gov/crt/edo/documents/casesummary.htm#ebr. To recap: as I read it – desegregation plan finalized in 1983; consent decree reached in 1996; petition for unitary status denied in 2002; unitary status granted based on plan all parties agreed to, 2003. REVISION 7/8/04: See: TIMELINE OF SCHOOL INTEGRATION IN EBRP DOJ Consent Decree WITH EBRP:**electronic copy of order located at: G:\teachqra\Unitary Status\ConsentDecrees/EastBatonRougeParishFinalSettlement.pdf **
LA	JEFFERSON PARISH SCHOOL BOARD		Dandridge v. Jefferson Parish School Board 456 F.2d 552, 1972, appears to be the last significant ruling, and it upholds a desegregation plan.
LA	ORLEANS PARISH SCHOOL BOARD		The relevant case here appears to be BUSH ET AL. v. ORLEANS PARISH SCHOOL BOARD ET AL., 364 U.S. 500; 81 S. Ct. 260; 5 L. Ed. 2d 245; 1960. It was last updated in 1963 (Bush v. Orleans Parish School Board, 230 F. Supp. 509; 1963) The case upholds an earlier U. S. District Court case declaring statutes enacted by LA to support segregation to be unconstitutional. It is still active.
LA	SAINT TAMMANY PARISH SCHOOL BOARD		The main ruling against this school system is: Smith v. St. Tammany Parish School Board, 302 F. Supp. 106, 1969; There is a follow-up case (316F. 1174, 1970) that has more to do with displays of the Confederate flag but that includes additional provisions.
MD	ANNE ARUNDEL COUNTY PUBLIC SCHOOLS [REVISION 7/8/04]		There was a busing case – Brown v. Califano, 201 U.S. App. D.C. 235; 627 F.2d 1221; 1980 U.S. App. LEXIS 20951, February 12, 1979, Argued, January 31, 1980, Decided – brought against HEW. Ann Arundel and Frederick Co., MD, are both mentioned in the suit, which was dismissed. REVISION: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)
MD	BALTIMORE CITY PUBLIC SCHOOLS		Apparently, no case has been brought. The system was the first sub-Mason-Dixon system to desegregate following *Brown*, according to the system's own site and others. But see Starr v. Parks, 345 F. Supp. 795; 1972, in which white parents sued to be allowed to transfer their children to adjacent systems; the court roundly rejected the plea.

	[REVISED 7/8/04]		REVISION: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)
MD	BALTIMORE COUNTY PUBLIC SCHOOLS		(no additional information)
MD	FREDERICK COUNTY BOARD OF EDUCATION		There was a busing case – Brown v. Califano, 201 U.S. App. D.C. 235; 627 F.2d 1221; 1980 U.S. App. LEXIS 20951, February 12, 1979, Argued, January 31, 1980, Decided – brought against HEW. Ann Arundel and Frederick Co., MD, are both mentioned in the suit, which was dismissed.
MD	HARFORD COUNTY PUBLIC SCHOOLS		Moore v. Board of Education, 146 F. Supp. 91, 1956 is the seminal case, with several cases – Slade v. Board, 1958; Pettit v. Board, 1960; Christmas v. Board, 1965 – following, but apparently no cases granting unitary status
MD	HOWARD COUNTY PUBLIC SCHOOLS		(no additional information; voluntary desegregation in 1965 with no apparent, significant court case)
MD	MONTGOMERY COUNTY PUBLIC SCHOOLS [revised] [REVISED 7/8/04]	See note →	3/00 – US Supreme Court Upholds lower court (4th District) ruling (Eisenberg v. Montgomery County, 10/99) that race could not be used as a factor in student assignment. I don't think this is a direct declaration of unitary status, but it might as well be. See article. The county has apparently never been under a desegregation ruling, according to this article. REVISION 7/8/04: See: TIMELINE OF SCHOOL INTEGRATION IN MONTGOMERY COUNTY

MD	PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS	18 F.Supp.2d 569, 1998 June 25, 2002	Excerpt from Education Week July 10, 2002: Federal Judge Ends Oversight Of Prince George's, Md., Schools The federal desegregation ruling that governed schools in Prince George's County, Md., for 30 years has ended. U.S. District Judge Peter J. Messitte declared last month that the suburban Washington district had reached "unitary" status, meaning the 132,000-student district had rid itself of the vestiges of segregation found in the 1972 court case. Four years ago, Judge Messitte ended the busing plans that had been ordered in the early 1970s to achieve racial balance in the county's schools. Since then, he has gradually released his grip over other school policies. He declared an end to his oversight of the district on June 25. County officials and the local chapter of the National Association for the Advancement of Colored People supported Judge Messitte's decision. The school system will continue to spend $2.1 million in fiscal 2003 to maintain programs that are designed to prevent segregation from
MO	KANSAS CITY 33 [revised]	Declared unitary August 13, 2003; see citation for original case at bottom of adjoining column.	August 14, 2003 judge dismissed district from court oversight. Plaintiffs decided not to appeal. Following excerpt from The Kansas City Star, Monday, October 6, 2003 [I can't access the Star website without payment, but the only article I found in their database on the date above about this case is Stephen Winn. 2003. "After lawsuit, focus on future of schools." *The Kansas City Star* October 6, 2003, B4: "A somber U.S. District Judge Dean Whipple made this clear even as he issued his order releasing the Kansas City School District from court control in mid-August. 'Although it is now in compliance with the Constitution,' Whipple wrote at the end of the order, 'the (district) has a long distance to travel before it is a school district of which the citizens of Kansas City can be proud.' Now that the plaintiffs have withdrawn their appeal of Whipple's decision, a long legal struggle that attracted national and even international attention is finally at an end. Arthur A. Benson II, the attorney who has represented the plaintiffs throughout the 26-year case, said prolonging it might not help the district meet the challenges it now faces." Original case: School Dist. v. Missouri, 438 F. Supp. 830, 1977. Originally dismissed by Judge Whipple in

			1999, but appeals court overruled. See this article in USA Today.
MO	ST. LOUIS CITY [revised – replaced LookSmart article with *EdWeed* article]	March 12th,1999 (though there were subsequent meetings and votes – see notes →)	Court cases since 1972 (Liddell v. St. Louis Board of Education). As late as 1994 (Liddell by Liddell v. Board of Educ., 20 F.3d 326; 1994), the school system still appeared to be under court order of some sort. From the Lewis Mumford Center site: Liddell & US vs. School District of St. Louis: "Court ordered a desegregation plan which was claimed unsuitable by plaintiffs, state and by white parents. Black plaintiffs say plan still leaves some schools segregated, while white parents say their children have a unfair burden and the state is against the expense of the plan, which deals mostly with vocational schools. The plan was remanded back to a lower court in Mississippi. The plan was bitterly contested on the grounds of taxation and state payments. In later years (1998) the plan achieved some success in desegregation and achieved a partial unitary status for the special school district." Hendrie, Caroline. 1999. "Settlement ends St. Louis desegregation case." *Education Week* March 24, 1999. (http://www.edweek.org/ew/vol-18/28louis.h18) St. Louis has become the latest big-city school district to close the books on a decades-long struggle over desegregation, following a federal judge's approval of a settlement in a lawsuit brought by black families 27 years ago. "The business of running the schools and the educational process is now returned to the professional administrators, teachers, and staff," U.S. District Judge Stephen N. Limbaugh Sr. declared in his March 12 order dismissing the case. "They must stand on their own feet."

			The settlement will provide continued funding for an extensive city-to-suburb transfer program that is often held up as a national model. Although individual communities may opt out of the program, and the state may eventually discontinue it, they may do so only after a gradual phaseout. The agreement also obligates St. Louis to preserve its network of magnet schools, which enroll about 1,350 suburban whites as well as students from the city. Under the deal, the district must also meet specific student-achievement targets and adopt new accountability measures affecting teachers, principals, and entire schools. At the same time, the city schools will receive $180 million in state aid to build and renovate schools, and will be spared deep budget cuts despite the end of court-ordered state desegregation subsidies. National advocates of school integration called the agreement the best that could be expected at a time of growing judicial eagerness to end long-running desegregation disputes. "Given what's happened in other cities with court orders that have ended, this is positive in terms of keeping desegregation alive," said Amy Stuart Wells, an associate professor of education at the University of California, Los Angeles. Union Not Happy The compromise agreement attracted some noteworthy critics--most prominently the St. Louis Teachers Union, an affiliate of the American Federation of Teachers. The union is unhappy with what it sees as a lack of mechanisms to ensure that the district lives up to the promises laid out in the agreement. Those include specific goals to raise test scores, lower the dropout rate, improve attendance, and attract and retain teachers. Other provisions unpopular with the union require the district to add 30 more schools to its current list of 10 schools slated for intensive reform efforts, and to "reconstitute" each year at least two schools that are not showing adequate improvement. Despite such complaints, Judge Limbaugh said he was impressed by the community's overall satisfaction with the settlement. "Rarely, if ever, in school desegregation cases and infrequently in class-action suits in general, have

			government entities and the public shown such amazing support for a settlement," the judge stated in his order. One secret to that success may have been the ability of the parties in the lawsuit to skirt a sensitive issue that is typically central in desegregation cases coming to a close: whether the city system should be declared "unitary." By avoiding a declaration of unitary status--a legal term meaning a district is free of the effects of past discrimination--the parties sought to discourage legal challenges to the continuing desegregation efforts. "I really think it deserves the title 'unique,' " William L. Taylor, a Washington lawyer who represented the National Association for the Advancement of Colored People in the case, said of the deal. State Law a Breakthrough The St. Louis case was originally brought in 1972 by black schoolchildren in the city and their parents. The NAACP later intervened on behalf of families in the greater metropolitan area. Besides the state and the city district, the defendants included more than 20 suburban systems that the plaintiffs originally targeted for merger with the city schools. Efforts to broker a deal in the closely watched case began in 1996 with the selection of William H. Danforth, the chairman of the board of Washington University in St. Louis, as a court-appointed settlement coordinator. His appointment followed a push by the state to have the district declared unitary in order to end the state subsidies ordered by the court in 1980. A breakthrough came last spring, when the legislature passed a package of financial incentives designed to spur a settlement. The incentives were contingent on two events' occurring by March 15: that the St. Louis case be closed, and that city voters adopt a sales-tax increase aimed at raising an estimated $23 million annually for the schools. ("St. Louis, Kansas City Move Closer to the End of Desegregation Cases," Feb. 10, 1999.) Because those conditions have now been met, the district will receive extra state aid of at least $40 million annually to help offset the loss of court-ordered desegregation payments. Superintendent Cleveland Hammonds Jr. has said the remaining $6 million to $10 million hole in the district's nearly $419 million budget will be manageable in light of the savings that will result from lifting court oversight. Also riding on the settlement were aid increases for districts around the state, based on their enrollment of poor students. Those hikes are expected to mean from $35 million to $40 million for Kansas City, which will

			see its own desegregation subsidies vanish this year, and about the same amount for other districts. Under the settlement, the state will continue underwriting, for at least 10 years, the education of black students from St. Louis who transfer to participating suburban districts. Starting in 2009-10, the state may begin phasing out the program by ending funding for any new transfer students. Under that scenario, the phaseout would not be complete until 2021, when the last transfer students would graduate. Fewer Choices Most of the 16 suburban districts that now enroll some 13,000 city youngsters could choose to accept no more new students starting in the fall of 2002, though some have already stopped doing so because their resident black enrollments have grown to at least 25 percent. One district won agreement from the parties to stop accepting new transfers starting next year. Primarily to save money on busing, St. Louis students will be given fewer choices among suburban schools under the deal. Youngsters will be steered to particular suburbs depending on where they live in the city, instead of being able to enroll in any district that will take them. If districts elect to pull out of the program, they will generally be expected to keep any transfer students then in their systems. Some students may have to switch districts, though, because of the zoning. Ms. Wells, the co-author of a 1997 book on the region's transfer program, said she fears what will happen once the state's funding guarantees lapse a decade from now. "The thing that worries me the most," she said, "is that in 10 years everyone will say, 'OK, we did that. Goodbye.' " See also at St. Louis Schools site: http://www.slps.org/BoardofEducation/deseg.htm And this site: http://www.focus-stl.org/index.cfm?sect=news&page=34&news=featured&newsID=14
NC	CUMBERLAND COUNTY SCHOOLS [revised] [REVISED 7/8/04]		Ford v. The Cumberland County Board of Education (1964) – consent decree reached. The only citation I can find is: 522.NC.23. Ford v. Cumberland Co. Bd. of Educ. (ED N.C.) 1963: Pls. filed school integration suit. Pending. I found it at this site: http://sunsite.berkeley.edu/meiklejohn/meik-8_3/meik-8_3-3.html REVISION 7/8/04: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)

NC	FORSYTH COUNTY SCHOOLS	Scott v. Winston-Salem/Forsyth County Board of Education, 400 F. Supp. 65 (October 31, 1974)	"This is a typical school desegregation case commenced with the filing of a [*66] complaint October 2, 1968, amended June 12, 1969, in which the plaintiffs prayed: for injunctive relief to the end that the Winston-Salem/Forsyth County school system be desegregated and asked the Court to retain jurisdiction until that objective was achieved; "that the plaintiffs be awarded their costs herein, including reasonable counsel fees and be granted such other and further relief as the Court may deem equitable and just." For more than three years this case was active on the court's docket, there being numerous issues presented to the Court requiring hearings and orders, eventually culminating in an order entered December 3, 1971, in which the Court found that the school system had eliminated the vestiges of a [**2] dual school system and completed the transition to a unitary system. This case has twice been reviewed on appeal to the United States Court of Appeals for the Fourth Circuit, and on one occasion it received the official attention of the Chief Justice of the United States. When first before the Court of Appeals, it was ordered in judgments filed June 10, 1971, that the plaintiffs recover their costs, there being no mention of attorneys' fees. The defendant Board of Education next appealed from an order of the District Court entered July 21, 1972, denying a motion to vacate previous orders and to allow the defendant Board of Education to implement its revised pupil assignment plan for the 1972-73 school year." Winston-Salem/Forsyth, 400 F. Supp.at 66
NC	GUILFORD COUNTY SCHOOLS [revised]		McCoy v. Greensboro, 283 F.2d 667, 1960, was the original desegregation case. Smith v. North Carolina State Board of Education, 444 F.2d 6, 1971 [this is the appeals court's decision; I couldn't find a cite for the original District Court decision presided over by Judge Craven in 1970], affected the procedures governing court-ordered desegregation for Guilford and nine other counties – not quite sure how, but one source (http://www.greensboro.com/schools/stories/1diversity.html) referred to 1971 as the year in which court-ordered desegregation began in Guilford.
NC	CHARLOTTE-MECKLENBURG SCHOOLS [revised]	Belk v. Charlotte-Mecklenburg Board of Education , 269 F. 3d 305, 2001 District court ruling: Capacchione v. Charlotte-Mecklenburg Sch., 57 F.Supp.2d 228 [137 Educ. L. Rep. 934] (W.D.N.C. 1999).	September 21, 2001 declared unitary; see Education Week article.
NC	WAKE COUNTY SCHOOLS [REVISION 7/8/04]		(no additional information) REVISION: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)

OK	OKLAHOMA CITY [revised]	Dowell ex rel. Dowell v. Board of Educ., 778 F.Supp. 1144 (1991)	This quote from the U. S. District Court case identified in the adjacent column. It appears to be at least two quotes – one from the beginning of the case and one from the conclusion: “In July, 1963, this court found that the Board had intentionally segregated the schools by race. Dowell v. School Board, 219 F. Supp. 427 (W.D. Okla. 1963). After several years of additional litigation over various remedial efforts, this Court in 1972 entered a decree imposing a comprehensive school desegregation plan -- the "Finger Plan" -- that "was designed not only to assist the Board in satisfying its affirmative desegregation obligation, but also to allow the school district to achieve the ultimate goal -- unitary status." (citations omitted). In 1977, the School Board moved this court to close the case. After notice and a hearing, the court declared the Oklahoma City school system to be "unitary" and terminated its jurisdiction over the case. The court did not, however, formally dissolve the injunctive decree entered in 1972. The court's order was not appealed.” “Pursuant to the court's Memorandum Opinion entered herein this day, it is hereby ORDERED, ADJUDGED AND DECREED that: 1. The 1972 desegregation order and decree implementing the Finger Plan is DISSOLVED totally and completely; 2. Total supervision and control over the functions of the school district are RETURNED forthwith to the duly elected members of the Board of Education of the Oklahoma City Public Schools; 3. This court's jurisdiction over this case is TERMINATED, and this action is DISMISSED. 4. This court has fully completed its equitable duties under the law and evidence in this case. Accordingly, the court DIRECTS the court clerk to refrain from filing any further applications to reopen this case without the court's prior approval. 5. Of course, the courthouse doors are always open to protect and guard the constitutional rights of black schoolchildren against any kind of state or local school district-sponsored racial discrimination. Dated this 7th day of November, 1991” [Demarron’s note]: Final disposition was on Nov. 4, 1993, in Dowell ex rel. Dowell v. Board of Educ., 8 F.3d 1501 ("The Oklahoma City School District was in compliance with the Constitution as of 1985 and the board is no longer under the supervision of the federal court. It goes without saying that the school board is still obliged to obey the mandate of the Fourteenth Amendment in administering its schools. After more than thirty years, this case is closed. Any further complaints of racial discrimination in the Oklahoma City school system will have to be brought by new litigation. AFFIRMED. ")
OK	TULSA		United States v. Board of Education, 476 F.2d 621; 1973 appears to be the last of a short train of court-

	[REVISION 7/8/04]		ordered desegregation cases that started in 1969. REVISION: Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)
SC	CHARLESTON COUNTY SCHOOL DISTRICT [revised]	See United States v. Charleston Co. School District, 960 F 2d 1227, 1992	Never under court supervision. Brief history: Charleston County stretches roughly 100 miles along the Atlantic coast, comprising approximately 938 square miles. Prior to 1951, twenty-one independent school districts operated within the county. The schools within these districts operated under a dual system, with black and white students each attending racially segregated schools. In 1951, four years before the United States Supreme Court decisions in Brown I, and Brown II, ordered school boards operating dual school systems to "effectuate a transition to a racially non-discriminatory school system," Brown II, 349 U.S. at 301, the South Carolina General Assembly consolidated the twenty-one districts into eight districts. These eight districts varied greatly in size and population. Their boundary lines all followed natural geographic patterns unique to Charleston County and all but two of the districts were separated from each other by bodies of water. The schools within these eight districts continued to operate on a dual system until well into the 1960s. Until 1967, the eight districts existed as totally separate entities, with each district responsible for its own fiscal and administrative operations. In 1967, the South Carolina General Assembly enacted Act 340, 1967 S.C. Acts 340. Act 340 created the Charleston County School District (CCSD), which encompassed all of Charleston County. Most fiscal and administrative powers and responsibilities previously held by the eight school districts were absorbed by the CCSD. Most notably, the CCSD was empowered to distribute county tax revenues evenly among the eight districts in an effort to alleviate the unequal tax bases then existing among the districts. The eight districts continued their existence and were labeled "constituent districts." Under Act 340, the constituent districts retained their independent boards of trustees and independent administrative authority over teacher and pupil assignments and student discipline. For more than twenty years, the CCSD and the eight constituent districts have operated under this system. [This quote appears to be from pages 2-4, but I don't know if the [*#] designation means that the *previous* material or the *subsequent* material was from that page – sorry. The district court rulings that the eight constituent districts are separate and distinct and that Act 340 was not enacted with discriminatory intent are AFFIRMED. Because all parties concede that each of the eight constituent districts is currently operating unitary schools, no further duty to desegregate exists. [This quote appears to be from page 18]
SC	GREENVILLE COUNTY	Whittenberg v. School Dist., 607 F. Supp. 289,	Demarron has quoted two sections; the intro and the conclusion. He truncated the quotation but didn't indicate gaps, so I am instead quoting both sections in full. I'm still not clear on the pagination rule, so I am

	SCHOOL DISTRICT [revised]	1985	assuming that the [*#] sign indicates that what *follows* was on that page; hope that's right. "This matter arises out of petitions to intervene in the original action filed in this Court on August 19, 1963, seeking to desegregate the school system of Greenville County, Elaine Whittenberg, etc., v. School District of Greenville County, South Carolina, et al. Four groups of persons have filed petitions to intervene: Mr. and Mrs. James P. Harrison, et al., the Concerned Parents of Greenville High School (Greenville High group); [**2] NAACP, et al. (NAACP); Dr. and Mrs. William T. Weathers, et al., parents of students at various high schools, including Wade Hampton High School and Eastside High School (Wade Hampton High and Eastside High group); and Martha H. Drew, et al., members of Concerned Parents and Friends of Parker High School (Parker High group). The defendants are the School District of Greenville County and related parties ("School District"). During the almost twenty-two years since the commencement of this action, numerous Orders have been entered by the Court; most significant among these are the Order of Judge J. Robert Martin, Jr., filed on February 5, 1970, and the Order of Judge Robert F. Chapman filed on July 22, 1976. The Order of Judge Martin on February 5, 1970, approved a plan of integration proposed by the School District of Greenville County which assigned students and teachers to schools throughout the system on a ratio of approximately 80% White to 20% Black, reflecting the racial makeup at that time of both students and teachers. This plan of integration was submitted to the Court by the School District in late 1969, with the request for authority to implement it in September [**3] of 1970. This Court approved the plan and schedule. The plaintiffs, however, demanded immediate implementation and appealed to the United States Court of Appeals for the Fourth Circuit on the question of the schedule only. The Court of Appeals, on the basis of decisions of the United States Supreme Court in Alexander v. Holmes County Bd. of Educ., 396 U.S. 19, 90 S. Ct. 29, 24 L. Ed. 2d 19 (1969), and Carter v. West Feliciana Parish School Bd., 396 U.S. 290, 24 L. Ed. 2d 477, 90 S. Ct. 608 (1970), in an opinion filed January 20, 1970, reversed Judge Martin's Order and required implementation of the plan by February 9, 1970, or February 16, 1970, for good cause shown. On remand, Judge Martin granted the one-week extension. "[pp 1-4] "CONCLUSION For fifteen years, the School District of Greenville County has operated under the mandates of this Court to ensure eradication of the dual system outlawed in Brown v. Board of Education. From the beginning, the School District has accepted this responsibility in good faith, and the record abounds with evidence that the School District has eliminated all vestiges of invidious discrimination and segregation throughout its entire system. This is not to say that the school system has reached a state of perfection by any means. There are still many problems to solve and goals to be reached. But these problems appear to be those inherent in any large School District and not those growing from roots planted in the dark days of a dual system.

			This Court does not consider the concerns of the intervenors to be unimportant, but finds only that they involve questions which do not rise to Constitutional status and which are properly heard in the administrative or political forum. The intervenors have charged the School District with serious offenses. At one time, prior to 1970, many of these conditions did exist. Today, however, they exist no longer. Even in this vital area where protection of individual rights is paramount, it is necessary to acknowledge, perhaps even to celebrate, the rare circumstances when a school system can be declared free of the vestiges of deliberate discrimination against Black people. The School District of Greenville County is entitled to such a finding today. This Court acknowledges the tensions experienced by the Greenville community during these past months and hopes that the resolution of this matter will permit reconciliation, and a resolve to implement the new Plan effectively. The legacy of the past fifteen years promotes confidence that this District will never stray beyond the borders of a true unitary system. The law of the land demands nothing less. THEREFORE, THE COURT HEREBY ORDERS AND DECLARES THAT: 1. The School District of Greenville County is a unitary school district in all aspects of its operations; 2. The School District of Greenville County has committed no violations of the United States Constitution with respect to the matters raised in this proceeding, and 3. This action is dismissed." [pp. 42-44]
TN	HAMILTON COUNTY SCHOOL DISTRCT	1986	Case first brought to courts was Mapp v. Board of Education, 203 F. Supp. 843; 1962; amended, court-ordered desegregation plan was adopted June 16th, 1971; rulings continued through 1986 (a ruling requiring desegregation of faculty as well). The system was declared unitary in all aspects except for faculty distribution in 1986, and a subsequent (?) ruling declared the system unitary (according to the Mumford site and to this Civil Rights Project table (p.68, fn).
TN	KNOX COUNTY SCHOOL DISTRICT	May 8, 1967; upheld through several appeals	Original case was Goss v. Board of Education, 186 F. Supp. 559, 1960; declared unitary in Goss v. Board of Education, 270 F. Supp. 903, 1967, but case remained on the docket nonetheless and was heard again after Swann (1971). See the history in this case (Goss v. Board of Education, 340 F. Supp. 711; 1972). NOTE: the Goss case applied to Knoxville city only; the city and county systems merged in 1987. The joint system drew up a plan voluntarily to further ensure racial desegregation. That plan was contested in 1991, but the court denied the motion for injunction (Middlebrook v. School Dist. of County of Knox, 805 F. Supp. 534; 1991).
TN	MEMPHIS CITY SCHOOL DISTRICT		Case first brought to trial in 1960; final desegregation plan not approved until 1974 ("Plan Z" – sounds kind of desperate, doesn't it?); Memphis apparently fought long and hard against desegregation throughout the '70's, appealing to change the desegregation plan as last as 1977. The cases continued beyond that point, but

			mostly for the purposes of establishing payment of attorneys' fees (see history section in Northcross v. Board of Educ., F.2d 624; 1979). One challenge was heard and denied n 1983 after Memphis amended the plan with court approval (NORTHCROSS v. BOARD OF EDUC. OF MEMPHIS CITY SCHS., \722 F.2d 742; 1983).
TN	NASHVILLE-DAVIDSON COUNTY SD [revised] [REVISED 7/8/04]	Declared Unitary circa October 1998	According to *EdWeek* article, suit started in 1955, though the first District Court reference I found was 1960 (Maxwell v. County Board of Education, 203 F. Supp. 768,1960); busing ordered in 1971. Excerpt from Education Week, October 7, 1998 : No author. "Curtain Falls on Desegregation Era in Nashville." *Education Week* 18(6), 3. (http://www.edweek.org/ew/ewstory.cfm?slug=06deseg.h18&keywords=Nashville) "The 43-year-old federal desegregation case that has often polarized the white and black communities in Nashville, Tenn., ended last week after an emotional four-hour hearing and the stroke of a judge's pen. U.S. District Judge Thomas Wiseman declared the Nashville-Davidson County schools to be unitary--a legal term meaning free of any vestiges of segregation. The ruling came as the judge approved a $206.8 million plan that will eliminate most cross-county busing." REVISION 7/8/04: See: TIMELINE OF SCHOOL INTEGRATION IN NASHVILLE, TN
TN	SHELBY COUNTY SCHOOL DISTRICT		Robinson et al. v. Shelby Co. Board of Education (1963) was still open as of 8/2001 (see Salon article: http://archive.salon.com/news/feature/2001/08/27/memphis/) Revised desegregation plans approved August 11, 1971, and August 4, 1972 (see history in Robinson v. Shelby County Board of Education, 467 F.2d 1187; 1972). Most recent (?) hearing was a requested adjustment to the plan in 1986, most of which was approved, but some of which was denied (Robinson v. Shelby County Bd. of Education, 643 F. Supp. 111; 1986).

State	District	Unitary Status –Case and/or Date	Additional Information
TX	ALDINE ISD [Revised 7/11/04]	December 4th, 2002	Original case: Sampson and United States v. Aldine Independent School District, et al, CIVIL ACTION NO. 64-H-273, 1964 From the Aldine website: "During the Sept. 17 [2002] board meeting, trustees voted unanimously to authorize the district's attorneys to proceed with the filings and other actions necessary to have Aldine ISD declared a unitary school district in

State	District	Unitary Status –Case and/or Date	Additional Information
			the district's desegregation case of United States vs. Aldine ISD." The only evidence I have of a ruling in favor of unitary status is this article: "On December 4, the Acres Home community found itself rewinding back in history as it deals with the education of children in its community. Aldine Independent School District (A.I.S.D.) headed to court to get the Sampson and United States v. Aldine Independent School District, et al, CIVIL ACTION NO. 64-H-273 case over turned. All members of the school board appeared in the courtroom showing Judge David Hittner that the diversity in the school district was being reflected." LexisNexis search didn't turn up the original case or its dismissal. **REVISED:** • "Large school districts not facing court mandated desegregation but with large declines in segregation [include]….Aldine ISD" Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 14 (Table 6)
TX	ALIEF ISD		(No additional information, and no cases found on LexisNexis)
TX	ARLINGTON ISD		(No additional information, and no cases found on LexisNexis)
TX	AUSTIN ISD [revised 7/13/04]		In 1980, after ten years of litigation, the Austin Independent School District consented to a decree contemplating that in three years the school district would be declared unitary and the case dismissed. On June 14, 1983, the district court entered an order declaring AISD unitary and dismissed the case without prejudice. The 1991 ruling cited in the adjacent column only reaffirmed that decision, so unitary status was actually conferred in 1983, not 1991.

State	District	Unitary Status –Case and/or Date	Additional Information
		Dual Declaration: 467 F. 2d 848 (1972) **Unitary Status:** Court order in 1983; released from supervision in 1986. Price v. Austin Independent School Dist, 945 F.2d 1307; 1991 U.S. App.	United States v. Texas Education Agency, 467 F.2d 848, 1972 is apparently the original case, though it is an appeals case – I couldn't find a district court case, or even a reference to one in any of the documentation. See the very interesting history in this follow-up case (Price v. Austin, 1991, cited above); among other things, the system was apparently granted "probationary" unitary status in 1983, pending appeals by 1986. There being no appeals, the case was formally ended. **REVISED:** **Dual Declaration:** *US v TEA*, 467 F.2d 848, (1972) "We have held that the AISD has operated and continues to operate a school system which fails to provide equal educational opportunity for Mexican-American and black students…In short, while precise racial or ethnic balance in each school is not required, and there may even be schools of one race that pass the *Swann* test, school authorities must convert to a unitary school system -- the eradication by affirmative action of all vestiges of segregation. They must "achieve the greatest possible degree of actual desegregation". *Swann, supra*, 402 U.S. at 26, 91 S. Ct. at 1281; Davis v. Board of School Comm'rs, 1971, 402 U.S. 33, 37, 91 S. Ct. 1289, 28 L. Ed. 2d 577. One-race schools, all-minority or all-majority, will require "close scrutiny"; there is "a presumption against schools that are substantially disproportionate in their racial composition". *Swann, supra*, 402 U.S. at 26, 91 S. Ct. at 1281…. "The plans and order below were prepared on the basis of the rulings and "guidelines" of the district court. Our opinion finds certain of the rulings of the district court to be in error. As a result we must remand the case to the district court for further proceedings consistent with this opinion. The district court should call for the immediate submission of new plans by the intervenors as well as by the original parties. In finding a constitutionally acceptable means for desegregation of the AISD from among the alternatives submitted by the parties and intervenors, the court should not hesitate to seek expert assistance. Appropriate relief must be ordered before the commencement of the 1972-73 school years. "The obligation of every school district is to terminate dual school systems *at once* and to operate now and hereafter only unitary schools". Alexander v. Holmes County, 1969, 396 U.S. 19, 20, 90 S. Ct. 29, 24 L. Ed. 2d 19, 21. We do not advocate, nor do we approve in advance, any particular form of relief. *See* Swann v. Charlotte-Mecklenburg, *supra*. This Court will grant no stay of the district court order in regard to the new plans. Any appeals will be expedited to avoid disruption of the 1972-73 school year in

State	District	Unitary Status –Case and/or Date	Additional Information
			the Austin Independent School District." **Unitary Declaration:** referenced in *Price v. Austin ISD* 945 F. 2d 1307 (1991): "The Austin desegregation litigation was settled by a consent decree entered on January 2, 1980. One provision of the consent decree is of particular concern here: For a period of three years from the date of the entry of this Consent Decree, AISD shall remain under the jurisdiction of this Court. This case shall be placed on the inactive docket, but the Court shall be available at all times to perform the duties and functions set out herein. At the end of three years from the date of entry of this Consent Decree and notice to the parties, unless there is objection by the parties hereto, AISD shall be declared to be a unitary school system and this case shall be dismissed. "Thus the consent decree provided specifically that the district court was to retain jurisdiction only for three years, after which AISD would be declared unitary and the case dismissed, unless a party objected…. "The Overton-Plaintiffs did object and the parties entered into negotiations that resulted in a motion to dismiss accompanied by a stipulation providing that objections would be withdrawn and AISD declared unitary. The stipulation contemplated that during its life the district court would conduct a hearing if AISD substantially changed its student assignment plan and was said to unlawfully discriminate against AISD students; AISD would then be required to demonstrate why the case should not be reopened. The life of the stipulation was governed by the following provision: This stipulation shall remain in effect until January 3, 1986, and is enforceable by any of the parties thereto during that period. If Kealing Junior High School is not constructed substantially in accordance with the schedule contained in Exhibit "A", and paragraph (c) of this stipulation, this stipulation shall be exten ded until its completion. • "The District was declared unitary in 1983 and the court no longer has the jurisdiction for this case according to the Consent Decree; school district's motion to dismiss granted." The Mumford Center, The State of Public School Integration ***Education Week Article:***

State	District	Unitary Status –Case and/or Date	Additional Information
			"In a major victory for the Reagan Administration, a federal appeals court has upheld the right of the Austin, Tex., school board to dismantle a court-ordered busing plan for students in elementary grades. In its Dec. 15 decision, the three-judge panel of the U.S. Court of Appeals for the Fifth Circuit said an earlier finding that the district was "unitary," or legally desegregated, freed the Austin board from the jurisdiction of the federal courts and ended its duty to comply with a 1980 consent decree that mandated student busing…. Under the plan implemented this fall in Austin, elementary students are assigned to their neighborhood schools, although they may voluntarily transfer to schools where their race is in the minority. While mandatory busing continues in the higher grades, 16 of the district's 65 elementary schools now have enrollments that are 80 percent or more minority. In its decision last month, the Fifth Circuit Court ruled on two separate appeals. The bulk of the opinion was devoted to an appeal that the court had earlier declined to hear, in which plaintiffs in the district's original desegregation case argued that the school board's plan to assign elementary students to their neighborhood schools violated the terms of a 1980 consent decree. Both the district and appeals courts had declined to reopen the original case on the grounds that, pursuant to a court order in 1983, the school district became unitary in 1986 and that the case had been dismissed. "The carrot of unitariness can be a meaningful incentive for school districts to desegregate only if we abide by our promise to release federal control when the job is done," wrote Judge Patrick Higginbotham in the 17-page opinion. Snider, William. January 13, 1988. "Courts Back Moves to End Bussing Plans". Education Week.
TX	BROWNSVILLE ISD		"Brownsville schools desegregated in 1952 — two years before Brown v. Board of Education — and Pullam and her students were moved to Skinner Elementary." Garcia, Kevin. May 16, 2004. Garcia, Kevin. May 16, 2004. "Erasing the Lines" The Brownsville Herald" (No additional information, and no cases found on LexisNexis);

State	District	Unitary Status –Case and/or Date	Additional Information
TX	CONROE ISD		(No additional information, and no cases found on LexisNexis)
TX	CORPUS CHRISTI ISD [revised 7/13/04]	**Dual Declaration:** 324 F. Supp. 599 (1970) **Unitary Status:** unknown	Original case: Cisneros v. Corpus Christi Independent School Dist., 324 F. Supp. 599, 1970, which is apparently still active (the last activity I could find was 1977). Historical note: first case to extend *Brown v. Board* decision to Mexican-Americans. **Revised:** **Dual Declaration:** *Cisneros v. Corpus Christi Independent School Dist*., 324 F. Supp. 599, (1970) "The District Court, Seals, J., held that where Mexican-Americans in school district were identifiable ethnic-minority group and for that reason had been segregated and discriminated against in the schools, they, as well as Negroes, were entitled to all the protection announced in United States Supreme Court decision holding unconstitutional segregation in the public schools. Judgment accordingly." Mumford **Unitary Status:** unknown.
TX	CYPRESS-FAIRBANKS ISD		(No additional information, and no cases found on LexisNexis)
TX	DALLAS ISD [revised 7/13/04]	**Dual Declaration:** 342 F. Supp. 945 (1971) **Unitary Declaration:** 265 F.Supp. 2d 757, 2003	****** The defendant has always been the superintendent, so the second name changes throughout the history of the case. **REVISED:** **Dual Status:** *Tasby v. Estes*, 342 F. Supp. 945 (1971) "In line with the teachings of Ellis v. Bd. of Public Instruction of Orange County, Fla., (5th Cir., 1970), 423 F.2d 203, calling attention to the following provision in *Green*, ". . . whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that the state-imposed segregation has been completely removed." 391 U.S. 430 at 439, 88 S. Ct. 1689, 1695, 20 L. Ed. 2d 716, *this Court has retained jurisdiction of this case to the end that a unitary school system shall be*

State	District	Unitary Status –Case and/or Date	Additional Information
			maintained in the Dallas Independent School District." **Unitary Status:** *Tasby v. Moses*, 265 F.Supp. 2d 757, (2003) June 5, 2003 declared unitary without restriction – but the system had already been declared unitary in 1994 with a monitoring period, according to the history cited in this case: "In 1994 the Court granted DISD's Motion for Unitary Status, holding that DISD was in compliance with the factors set forth by the Supreme Court in Green v. County School Board, 391 U.S. 430, 435, 20 L. Ed. 2d 716, 88 S. Ct. 1689 (1968). See Tasby, 869 F. Supp. at 477. The Court ordered a three-year monitoring period and required DISD to make several improvements specified in the Order. "In 1997, in Tasby v. Gonzalez, 972 F. Supp. 1065 (N.D. Tex. 1997), the Court determined that the School District was not in compliance with the Court's faculty desegregation orders and accepted a DISD plan for faculty desegregation which modified the then-existing ethnic ratio requirements for faculty. "The three-year monitoring period ordered in the Court's 1994 Opinion has stretched into nine years, during which DISD has gone through considerable turmoil. DISD did not request, and the Court did not order, a hearing to consider dismissal during this nine-year period." [265 F.Supp. 2d 757, pp. 6-7] ***Education Week:*** "A federal judge has released the Dallas public schools from 32 years of court-ordered desegregation. In doing so, he commended the district for the progress its minority students have made, but warned that it needs to remain vigilant if it is to continue on its path toward equitable education. The 21 black and Latino plaintiffs who filed the class action in 1970 had hoped to delay the end of court oversight for a few years. But U.S. District Judge Barefoot Sanders said in his June 5 ruling that such oversight of the Dallas Independent School District was no longer necessary. "The segregation prohibited by the United States Constitution, the United States Supreme Court, and federal statutes no longer exists in the DISD," he wrote. In the 40-page ruling, Judge Sanders

State	District	Unitary Status –Case and/or Date	Additional Information
			praised the district for strong management, dedicated teachers, expanded educational opportunities, and a narrowing academic gap between African-American and Latino students, at the lower end of the achievement scale, and their white classmates." Gewertz, Catherine. June 18, 2003. "Dallas Schools Released From Court Oversight" Education Week.
TX	EL PASO ISD [revised 7/14/04]	Not clear that this district was ever ruled totally segregated; see adjacent column → **Dual Declaration**: 445 F.2d 1011 other cases: 567 F. Supp 859 1983. 333 F. Supp 711 1970 **Unitary Status**: Unknown	Original case: Alvarado v. El Paso Independent School Dist., 326 F. Supp. 674, 1971. The case was dismissed but that ruling was reversed on appeal (445 F. 2d 1011). El Paso put its desegregation plan (described below) in place in September, 1977. Even in the earliest rulings, the court acknowledged that the system was indeed already unitary wrt African-Americans, based on voluntary desegregation after 1955; the case has always been about the segregation of Latino students. The last reference to this case that I can find in LexisNexis is from 1979 (593 F.2d 577), in which the Appeals Court upheld the district court's partial-desegregation ruling (the Appeals decision cited the 1976 District Court [426 F. Supp. 575-616] decision: "the district court ordered that a number of the schools have their attendance zones redrawn, mandatory transportation be provided, optional majority to minority transfer be established, certain bus routes be changed, the number of completely air-conditioned schools of predominantly Anglo-American and predominantly Mexican-American be equalized, and the goal of racial balance of school teachers and personnel be further pursued. Thus in rendering its order the district court said that it "must sculpt a remedy which conforms to the level of identifiable violations of constitutional rights found herein." Id. at 611." [pp. 6-7]). In other words, required actions were put in place in 1977, but I don't get the feeling that these constitute ongoing court oversight. **REVISED**: "Class action by parents on behalf of themselves and their children and other children and parents in independent school district for relief from alleged racial and ethnic discrimination in district's school system. The United States District Court for the Western District of Texas, Ernest Guinn, J., 326 F.Supp. 674, dismissed on the pleadings and plaintiffs appealed. The Court of Appeals held that complaint stated cause of action on ground of violation of Fourteenth Amendment and Civil Rights Act. Subsequent desegregation plans submitted. Case is still active as of 1997. The Mumford Center, The State of Public School Integration
TX	FORT BEND ISD	Not under court order.	The only thing I found was this very interesting article (http://future.newsday.com/1/fnow0124.htm) about

State	District	Unitary Status –Case and/or Date	Additional Information
	[REVISED 7/13/04]	But, HEW's OCR under court order to work with district to desegregate.	the degree to which ethnicities are mixed in Fort Bend, which to me at least indicates that segregation has not been as much of a hot-button issue here as it has been elsewhere. **REVISED:** • Not subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 3) ***However, the Fort Bend District is mentioned in following case:*** *Adams v. Richardson*, 356 F.Supp. 92 (1973), *modified and aff'd*, 480 F.2d 1159 (D.C. Cir. 1973) This case was brought to secure declaratory and injective relief against the Secretary of HEW office of Civil Rights. Appellees alleged that appellants have been derelict in their duty to enforce Title VI of the Civil Rights Act of 1964 becase they have not taken appropriate action to end segregation in public educational institutions receiving federal funds. Appendix B of 356 F.Supp. 92 lists this district as a school district with Substantial Racial Disproportion where no HEW "Swann" letter was sent. See discussion of Appendix B below. "III. *HEW's Functions Under Title VI of the Civil Rights Act of 1964 Concerning Compliance by Public Educational Institutions With New Supreme Court Desegregation Decisions* A. *Declaratory Judgment* (1) In Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L. Ed. 2d 19 (1969), the Supreme Court required desegregation "at once" of all dual school systems. At the time of that decision (October 29, 1969), 87 school districts had HEW-approved desegregation plans which permitted desegregation to be postponed until September, 1970. Despite the Supreme Court's directive, HEW took no steps to compel desegregation in any of these 87 districts during the 1969-1970 school year. (2) Following the decision of the Supreme Court in Swann v. Charlotte Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), which enunciated "a presumption against schools that are substantially disproportionate in their racial composition" HEW identified 300 non-court order school districts with one or more schools [**10] composed mostly of local minority students. (3) Initially, HEW eliminated 75 of the 300 districts from further consideration without any on-site

State	District	Unitary Status –Case and/or Date	Additional Information
			investigation or communication with the districts because in HEW's judgment the racial disproportion of the schools in these districts was too small to constitute a violation of *Swann*. HEW then eliminated 134 of the remaining 225 districts from further consideration still without any on-site investigation or communication with the districts. At least 85 of these districts, which are listed in Appendix B, *infra*, have one or more schools substantially disproportionate in their racial composition (because at least a 20% disproportion exists between the percentage [*97] of local minority pupils in the schools and the percentage in the entire school district; many of these districts actually have a much greater disproportion). Nevertheless, none of these 85 school districts was required by defendants to justify the substantial racial disproportion in its schools. (4) HEW mailed letters to the remaining 91 school districts in the summer of 1971, notifying them that additional desegregation steps may be required under the *Swann* [**11] decision. Of these 91 districts, HEW received desegregation plans acceptable to HEW from 37 districts, noticed three for administrative hearing, and found *Swann* "not applicable" to nine. (5) Thus 42 districts, which are listed in Appendix C, *infra*, were deemed by HEW to be in presumptive violation of Swann and remain so more than a year later while HEW continues to review them. These 42 school districts have been receiving Federal funds from HEW throughout this period of over one year. (6) With respect to the 85 school districts with one or more schools substantially disproportionate in racial composition, HEW's continuation of financial assistance thereto violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Defendants, before advancing or continuing to advance Federal funds in violation of Title VI, have a duty to require districts presumptively in violation of *Swann* or other controlling Supreme Court decisions to explain or rebut such presumption. (7) With respect to the 42 districts which HEW found in presumptive violation of *Swann* and Title VI in the summer of 1971, the time permitted by Title [**12] VI for securing voluntary compliance from these districts before commencing formal enforcement proceedings has long ago elapsed. The continuation of HEW's financial assistance to these school districts violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Having determined that a school district is in presumptive violation of Title VI, and having failed during a substantial period of time to achieve voluntary compliance, then unless the presumption has been overcome by further information defendants have a duty to commence enforcement proceedings. B. *Injunction*

State	District	Unitary Status –Case and/or Date	Additional Information
			(1) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to communicate with each of the 85 districts listed in Appendix B, putting them on notice to rebut or explain the substantial racial disproportion in one or more of the district's schools. (2) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to commence enforcement proceedings by administrative notice of hearing, or to utilize any other means authorized by law, in [**13] order to effect compliance with Title VI by each of the 42 school districts listed in Appendix C, unless prior to this Court's November 16, 1972 Memorandum Opinion defendants have made a final determination of compliance by the school district. (3) Defendants, their successors, agents and employees, are required and enjoined to provide in verified form the following data to counsel for the plaintiffs on the dates indicated: a. Within 150 days of the date of this Order, a report of all steps they have taken to comply with the injunctive provisions set forth in III B(1) and (2) above, including a description of what action the Justice Department has taken concerning any school district defendants may have referred to the Department. b. Every twelfth month after the issuance of this Order for a period of three years, a list of all school districts in the 17 southern and border states whose percentage of local minority pupils in the last academic year was at least 20% disproportionate from the percentage of the [*98] local minority pupils in the entire district, and all steps HEW has taken to require these districts to rebut or explain such substantial racial disproportion.
TX	FORT WORTH ISD [REVISED:	**Dual Declaration:** 204 F. Supp. 458, (1962) **Unitary Status:** 915 F.2d 155, (1990)	**REVISED:** **Dual Declaration:** *Flax v. Potts*, 204 F. Supp. 458, (1962) The court entered judgment declaring that the dual racial system under which the Fort Worth schools was being operated violated the constitutional rights of the minor children named in the complaint and of the other members of their class under the Fourteenth Amendment; ordering the defendants to submit a plan, within 30 days after the judgment became final, for effectuating a transition to a racially non-discriminatory system beginning with the 1962 fall school term; enjoining the defendants and all others acting in concert with them from obstructing or interfering with the orderly administration of any plan

State	District	Unitary Status –Case and/or Date	Additional Information
	7/13/04]	725 F. Supp. 322 (1989)	approved by the court; and retaining jurisdiction to effectuate the plan. There was no provision in the judgment for assignment of specific children to particular schools. **Unitary Status:** *Flax v. Potts*, 915 F.2d 155, (1990). [5th Circuit Court of Appeals] Declared unitary despite existence of homogenous schools. • "Considering the district court's finding that the FWISD was unitary in every aspect but the existence of a homogeneous student population; that the FWISD had made intensive efforts to eliminate one-race schools; and that further measures would be both impractical and detrimental to education, we conclude that the district court did not err in declaring that the FWISD had eradicated all the vestiges of the former dual school system and had replaced it with a unitary one." *Flax v. Potts* , 725 F. Supp. 322 (1989) [district court] • "Declaring the system unitary while retaining supervision of it for three more years (which includes the FWISD continuing its semi-annual reports to the Court) reaffirms this Court's commitment to ensuring that school officials maintain a singular school district. Thus, the Court DECLARES that the FWISD is unitary and that the district *now enters the three-year transitionary* period under the Fifth Circuit's *Youngblood* decision. A declaration of unitary status ends the presumption that any disparities in the school system are causally related to prior segregation, and the burden of proving otherwise now rests on the plaintiffs" ***Education Week Article:*** "A three-judge panel of the U.S. Court of Appeals for the Fifth Circuit has affirmed a federal district judge's 1989 finding that the Fort Worth Independent School District is desegregated in virtually all its aspects. In its Oct. 24 ruling, the New Orleans-based appellate court stated that the Constitution places no obligation on the Texas school system to counter the effects of a "white slight" to its desegregation program. "[S]chool officials who have taken effective action [to desegregate] have no affirmative 14th Amendment duty to respond to the private actions of those who vote with their feet," the appellate court said. The court noted that in his ruling last year, U.S. District Judge Eldon B. Mahon found that the Fort Worth system was "unitary in every respect, except for the existence of a homogeneous student population." The judge attributed that racial imbalance to segregated housing patterns, the appeals court said. Such demographic trends, the appeals court said, "are not the result of the [school] district's efforts to foster segregation." Rather, it held, the imbalances "are reactions to that plan--to

State	District	Unitary Status –Case and/or Date	Additional Information
			the extent that they are not reactions to other social and economic factors." The district, it continued, "is not now required to take further steps to counter the effects of what may amount to a 'white slight' to its plan." The appellate panel said that furalancing efforts are not demanded under the Constitution "when the school district has made intensive efforts to eliminate one-race schools and further measures would be both impractical and detrimental to education." The Fort Worth branch of the National Association for the Advancement of Colored People had challenged the district court's decision. The appellate opinion, written by Judge Jacques L. Wiener Jr., supported the lower court's finding that the district could be declared legally desegregated in part even though some aspects of its educational program may "contain deficiencies that are not serious." The appeals court based that aspect of its decision on a ruling earlier this year by the U.S. Court of Appeals for the 10th Circuit in the Denver school-desegregation case. That court held that federal judges may declare school systems "unitary in certain aspects, even though other aspects remain non-unitary." The U.S. Supreme Court has been asked to review the ruling in the Denver case as well as similar decisions involving schools in Topeka, Kan., and DeKalb County, Ga. Last month the High Court heard arguments in a third related suit involving the Oklahoma City public schools. Although Judge Mahon found that the Fort Worth schools were unitary, he did not end court supervision over the district. Following a Fifth Circuit precedent, the judge retained jurisdiction over the case for three years and promised to give the district's critics a chance at the end of that period to show why the case should not be dismissed. "Obviously we're pleased that Judge Mahon's decision was upheld," Don R. Roberts, Fort Worth's school superintendent, said last week. Nevertheless, Mr. Roberts said, "it's not really an earth-shaking event," because the court will continue to monitor the system, which will continue its desegregation activities. For example, the superintendent said, "we have a goal of improving our staff--the goal of hiring minorities. It's not a quota, it's a goal." Armstrong, Liz Schevtchuk. November 14, 1990. "Appellate Panel Upholds Unitary Status for Fort Worth". Education Week.
TX	GARLAND ISD [REVISED 7/13/04]	**Unitary Status:** Not under court order?	Part of a larger case brought against the Texas Education Agency; named as one of 5 districts. I have only been able to find the Appeals court case from 1970 (431 F.2d 1313), in which it appears that the defendants sought a stay on implementation of the desegregation plans approved by the District court because they were handed down too close to the start of the 1970-1971 school year. I think you should read the (very brief) ruling to verify my interpretation. Sorry I couldn't find the original case itself. Adding to the difficulty is the fact that there are several different and independent "U.S. v. Texas Education

State	District	Unitary Status –Case and/or Date	Additional Information
			Authority" cases. **REVISED:** • "Large school districts not facing court mandated desegregation but with large declines in segregation…[including] Garland ISD" Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 14 (Table 6)
TX	HOUSTON ISD [revised 7/14/04]	**Dual Declaration:** Can't find on Lexis **Unitary Declaration:** Ross v. Houston Independent School Dist., 699 F.2d 218, 1983	Appellants, parents of black children, filed a suit to desegregate appellee school district in 1956. Proceedings continued for 25 years and for 12 years appellee operated under a court-ordered desegregation plan. The district court decided that appellee had eliminated all vestiges of de jure segregation and had become unitary, despite the fact that appellee had not achieved integrated student attendance **REVISED:** **Unitary Declaration:** *Ross v. Houston ISD*, 699 F.2d 218 (1983) "In 1956, two years after the Supreme Court decided *Brown v. Topeka Board of Education*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954) (Brown I), a group of parents of black children enrolled in the Houston Independent School District (HISD) filed this suit to desegregate its schools. After twenty-five years of court proceedings and twelve years of operation under a court-ordered desegregation plan, the district court has now decided that the school district has eliminated all vestiges of de jure segregation and has become unitary. The vestiges of all discriminatory practices have been eliminated in every aspect of school operations, but efforts at integration have failed in one aspect alone: the district has not achieved integrated student attendance… "The district court did not err in the factual findings on which it based its decision that HISD has successfully erased the internal vestiges of state- imposed educational segregation. The district court continues to monitor HISD to insure that its finding of unitary status continues to be warranted. In the future, it will conduct a hearing on the question whether it should relinquish jurisdiction over this case. If there are then reasons for it to continue to exercise jurisdiction, that evidence should be presented to it." US Court of Appeals, 5th Circuit. 699 F.2d 218 1983

State	District	Unitary Status –Case and/or Date	Additional Information
TX	KATY ISD [REVISED 7/13/04]	Not under court order?	**REVISED:** • "Large school districts **not facing** court mandated desegregation but with large declines in segregation ….[including] Katy ISD" Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 14 (Table 6)
TX	KLEIN ISD	Not under court order?	• This radio transcript (http://www.kpft.org/news/013103story1.html) suggests that no court case was ever brought. Nothing on LexisNexis that I could find. • "Appeal pending before OCR/HEW Reviewing Authority since 1970". The Mumford Center, The State of Public School Integration
TX	LEWISVILLE ISD	unknown	(No additional information, and no cases found on LexisNexis)
TX	MESQUITE ISD [REVISED 7/13/04]	Not under court order.	**REVISED:** • "Large school districts not facing court mandated desegregation but with large declines in segregation ….[including] Mesquite ISD" Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 14 (Table 6)
TX	NORTH EAST ISD		(No additional information, and no cases found on LexisNexis)
TX	NORTHSIDE ISD [revised 7/14/04]	HEW's OCR under court order to work with district to desegregate	Northside Independent School Dist. v. Texas Education Agency, 410 F. Supp. 359, 1975 – apparently, this case was brought by the school system against the TEA to overturn the TEA's decision to withhold funding to the school system based on an allegation that the segregation that existed in the school system was intentional and not incidental. Since the TEA's decision was overruled by the court, I guess you could count that as a unitary status ruling. The problem with the ruling in this first case is that the wording is very obscure, but the history as discussed in a subsequent case (410 F. Supp. 360; 1975) makes the ruling about segregation clearer, I think. The last ruling was March 18, 1976 (410 F. Supp. 374; 1976).

State	District	Unitary Status –Case and/or Date	Additional Information
			REVISED: • Mumford Summary of Northside ISD v. TEA: "No segregatory intent was found to contribute to the racial imbalance of the schools, so the state action terminating accreditation and state funds was restrained" The Mumford Center, The State of Public School Integration ***However, District mentioned in following case:*** *Adams v. Richardson*, 356 F.Supp. 92 (1973), *modified and aff'd*, 480 F.2d 1159 (D.C. Cir. 1973) This case was brought to secure declaratory and injective relief against the Secretary of HEW office of Civil Rights. Appellees alleged that appellants have been derelict in their duty to enforce Title VI of the Civil Rights Act of 1964 because they have not taken appropriate action to end segregation in public educational institutions receiving federal funds. Appendix B of 356 F.Supp. 92 lists this district as a school district with Substantial Racial Disproportion where no HEW "Swann" letter was sent. See discussion of Appendix B below. "III. *HEW's Functions Under Title VI of the Civil Rights Act of 1964 Concerning Compliance by Public Educational Institutions With New Supreme Court Desegregation Decisions* A. *Declaratory Judgment* (1) In Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L. Ed. 2d 19 (1969), the Supreme Court required desegregation "at once" of all dual school systems. At the time of that decision (October 29, 1969), 87 school districts had HEW-approved desegregation plans which permitted desegregation to be postponed until September, 1970. Despite the Supreme Court's directive, HEW took no steps to compel desegregation in any of these 87 districts during the 1969-1970 school year. (2) Following the decision of the Supreme Court in Swann v. Charlotte Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), which enunciated "a presumption against schools that are substantially disproportionate in their racial composition" HEW identified 300 non-court order school districts with one or more schools [**10] composed mostly of local minority students. (3) Initially, HEW eliminated 75 of the 300 districts from further consideration without any on-site investigation or communication with the districts because in HEW's judgment the racial disproportion of the

State	District	Unitary Status –Case and/or Date	Additional Information
			schools in these districts was too small to constitute a violation of *Swann*. HEW then eliminated 134 of the remaining 225 districts from further consideration still without any on-site investigation or communication with the districts. At least 85 of these districts, which are listed in Appendix B, *infra*, have one or more schools substantially disproportionate in their racial composition (because at least a 20% disproportion exists between the percentage [*97] of local minority pupils in the schools and the percentage in the entire school district; many of these districts actually have a much greater disproportion). Nevertheless, none of these 85 school districts was required by defendants to justify the substantial racial disproportion in its schools. (4) HEW mailed letters to the remaining 91 school districts in the summer of 1971, notifying them that additional desegregation steps may be required under the *Swann* [**11] decision. Of these 91 districts, HEW received desegregation plans acceptable to HEW from 37 districts, noticed three for administrative hearing, and found *Swann* "not applicable" to nine. (5) Thus 42 districts, which are listed in Appendix C, *infra*, were deemed by HEW to be in presumptive violation of Swann and remain so more than a year later while HEW continues to review them. These 42 school districts have been receiving Federal funds from HEW throughout this period of over one year. (6) With respect to the 85 school districts with one or more schools substantially disproportionate in racial composition, HEW's continuation of financial assistance thereto violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Defendants, before advancing or continuing to advance Federal funds in violation of Title VI, have a duty to require districts presumptively in violation of *Swann* or other controlling Supreme Court decisions to explain or rebut such presumption. (7) With respect to the 42 districts which HEW found in presumptive violation of *Swann* and Title VI in the summer of 1971, the time permitted by Title [**12] VI for securing voluntary compliance from these districts before commencing formal enforcement proceedings has long ago elapsed. The continuation of HEW's financial assistance to these school districts violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Having determined that a school district is in presumptive violation of Title VI, and having failed during a substantial period of time to achieve voluntary compliance, then unless the presumption has been overcome by further information defendants have a duty to commence enforcement proceedings. B. *Injunction*

State	District	Unitary Status –Case and/or Date	Additional Information
			(1) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to communicate with each of the 85 districts listed in Appendix B, putting them on notice to rebut or explain the substantial racial disproportion in one or more of the district's schools. (2) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to commence enforcement proceedings by administrative notice of hearing, or to utilize any other means authorized by law, in [**13] order to effect compliance with Title VI by each of the 42 school districts listed in Appendix C, unless prior to this Court's November 16, 1972 Memorandum Opinion defendants have made a final determination of compliance by the school district. (3) Defendants, their successors, agents and employees, are required and enjoined to provide in verified form the following data to counsel for the plaintiffs on the dates indicated: b. Within 150 days of the date of this Order, a report of all steps they have taken to comply with the injunctive provisions set forth in III B(1) and (2) above, including a description of what action the Justice Department has taken concerning any school district defendants may have referred to the Department. b. Every twelfth month after the issuance of this Order for a period of three years, a list of all school districts in the 17 southern and border states whose percentage of local minority pupils in the last academic year was at least 20% disproportionate from the percentage of the [*98] local minority pupils in the entire district, and all steps HEW has taken to require these districts to rebut or explain such substantial racial disproportion.
TX	PASADENA ISD		(No additional information, and no cases found on LexisNexis)
TX	PLANO ISD [REVISED 7/13/04]	Not under court order.	**REVISED:** • "Large school districts not facing court mandated desegregation but with large declines in segregation …. [including] Plano ISD" Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 14 (Table 6)
TX	RICHARDSON ISD		**Dual Declaration:** *US v. Richardson ISD*, 483 F. Supp. 80, (1979) **Original 1970 case not found on LexisNexis. The following case (referenced above) summarizes case history as follows:

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	[REVISED 7/14/04]	**Dual Declaration:** 1970 **Unitary Status:** Unknown.	"The RISD is a school district with a past history of segregated schools**,** and has been ordered by this Court to convert from a dual to a unitary school system. The RISD is operating under a Desegregation Order entered on September 10, 1970, by this Court. Since that time, this Court has exercised continuing jurisdiction of this case and receives periodic reports from the School District as to progress in the attainment of a unitary system." **Mumford Summary of Case:** ● **"**In 1970 the United States filed a suit challenging the segregated character of the Richardson system. The court approved the government's proposal that the junior high portion of Hamilton Park school be closed and the Hamilton Park zone divided into three parts for purposes of assigning black junior high students to three other junior high schools in the district. This meant that Hamilton Park school would be a facility for elementary students only. The court denied the government's proposal that Hamilton Park Elementary be paired, three grades per school, with a predominantly white elementary school in the adjacent district, Stults Road Elementary, approximately three miles and 15 minutes' driving time away. On appeal the court ordered that the racially segregated character of Hamilton Park Elementary be eliminated effective with the beginning of the 1975-76 school year. Within 60 days from the date of the mandate in this case the Richardson District shall file with the District Court for its consideration proposed arrangements to achieve the result required." The Mumford Center, The State of Public School Integration
TX	ROUND ROCK ISD [REVISED 7/13/04]	Unknown.	Mumford has no cases listed. Nothing on google.
TX	SAN ANTONIO ISD [REVISED 7/13/04]	HEW's OCR under court order to work with district to desegregate.	*Adams v. Richardson*, 356 F.Supp. 92 (1973), *modified and aff'd*, 480 F.2d 1159 (D.C. Cir. 1973) This case was brought to secure declaratory and injective relief against the Secretary of HEW office of Civil Rights. Appellees alleged that appellants have been derelict in their duty to enforce Title VI of the Civil Rights Act of 1964 becase they have not taken appropriate action to end segregation in public educational institutions receiving federal funds. Appendix B of 356 F.Supp. 92 lists this district as a school district with Substantial Racial Disproportion where no HEW "Swann" letter was sent. See discussion of Appendix B below.

State	District	Unitary Status –Case and/or Date	Additional Information
			"III. *HEW's Functions Under Title VI of the Civil Rights Act of 1964 Concerning Compliance by Public Educational Institutions With New Supreme Court Desegregation Decisions* A. *Declaratory Judgment* (1) In Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L. Ed. 2d 19 (1969), the Supreme Court required desegregation "at once" of all dual school systems. At the time of that decision (October 29, 1969), 87 school districts had HEW-approved desegregation plans which permitted desegregation to be postponed until September, 1970. Despite the Supreme Court's directive, HEW took no steps to compel desegregation in any of these 87 districts during the 1969-1970 school year. (2) Following the decision of the Supreme Court in Swann v. Charlotte Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), which enunciated "a presumption against schools that are substantially disproportionate in their racial composition" HEW identified 300 non-court order school districts with one or more schools [**10] composed mostly of local minority students. (3) Initially, HEW eliminated 75 of the 300 districts from further consideration without any on-site investigation or communication with the districts because in HEW's judgment the racial disproportion of the schools in these districts was too small to constitute a violation of *Swann*. HEW then eliminated 134 of the remaining 225 districts from further consideration still without any on-site investigation or communication with the districts. At least 85 of these districts, which are listed in Appendix B, *infra*, have one or more schools substantially disproportionate in their racial composition (because at least a 20% disproportion exists between the percentage [*97] of local minority pupils in the schools and the percentage in the entire school district; many of these districts actually have a much greater disproportion). Nevertheless, none of these 85 school districts was required by defendants to justify the substantial racial disproportion in its schools. (4) HEW mailed letters to the remaining 91 school districts in the summer of 1971, notifying them that additional desegregation steps may be required under the *Swann* [**11] decision. Of these 91 districts, HEW received desegregation plans acceptable to HEW from 37 districts, noticed three for administrative hearing, and found *Swann* "not applicable" to nine. (5) Thus 42 districts, which are listed in Appendix C, *infra*, were deemed by HEW to be in presumptive violation of Swann and remain so more than a year later while HEW continues to review them. These 42 school districts have been receiving Federal funds from HEW throughout this period of over one year.

State	District	Unitary Status –Case and/or Date	Additional Information
			(6) With respect to the 85 school districts with one or more schools substantially disproportionate in racial composition, HEW's continuation of financial assistance thereto violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Defendants, before advancing or continuing to advance Federal funds in violation of Title VI, have a duty to require districts presumptively in violation of *Swann* or other controlling Supreme Court decisions to explain or rebut such presumption. (7) With respect to the 42 districts which HEW found in presumptive violation of *Swann* and Title VI in the summer of 1971, the time permitted by Title [**12] VI for securing voluntary compliance from these districts before commencing formal enforcement proceedings has long ago elapsed. The continuation of HEW's financial assistance to these school districts violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Having determined that a school district is in presumptive violation of Title VI, and having failed during a substantial period of time to achieve voluntary compliance, then unless the presumption has been overcome by further information defendants have a duty to commence enforcement proceedings. B. *Injunction* (1) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to communicate with each of the 85 districts listed in Appendix B, putting them on notice to rebut or explain the substantial racial disproportion in one or more of the district's schools. (2) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to commence enforcement proceedings by administrative notice of hearing, or to utilize any other means authorized by law, in [**13] order to effect compliance with Title VI by each of the 42 school districts listed in Appendix C, unless prior to this Court's November 16, 1972 Memorandum Opinion defendants have made a final determination of compliance by the school district. (3) Defendants, their successors, agents and employees, are required and enjoined to provide in verified form the following data to counsel for the plaintiffs on the dates indicated: a. Within 150 days of the date of this Order, a report of all steps they have taken to comply with the injunctive provisions set forth in III B(1) and (2) above, including a description of what action the Justice Department has taken concerning any school district defendants may have referred to the Department. b. Every twelfth month after the issuance of this Order for a period of three years, a list of all school districts

State	District	Unitary Status –Case and/or Date	Additional Information
			in the 17 southern and border states whose percentage of local minority pupils in the last academic year was at least 20% disproportionate from the percentage of the [*98] local minority pupils in the entire district, and all steps HEW has taken to require these districts to rebut or explain such substantial racial disproportion.
TX	YSLETA ISD [REVISED 7/13/04]	Unknown.	Mumford has no cases listed Nothing on google.

Note: there were several cases brought against the Texas Education Authority (TEA) in the early 1970's, most of which involved more than one school district. I have surveyed as many of these cases as I could to look for specific school districts mentioned, but I could very well have missed a few. The seminal U. S. District Court case (Civil Order 5281) was brought against the TEA in 1970 and required desegregation across the state "with all due speed."

VA	CHESAPEAKE CITY PUBLIC SCHOOLS [revised 7/14/04]	**Dual Declaration:** None. **Unitary Status:** None.	Not subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 3) ***However, Chesapeake City is listed in the following case:*** *Adams v. Richardson*, 356 F.Supp. 92 (1973), *modified and aff'd*, 480 F.2d 1159 (D.C. Cir. 1973) This case was brought to secure declaratory and injective relief against the Secretary of HEW office of Civil Rights. Appellees alleged that appellants have been derelict in their duty to enforce Title VI of the Civil Rights Act of 1964 becase they have not taken appropriate action to end segregation in public educational institutions receiving federal funds. **Appendix B of 356 F.Supp. 92 lists this district as a school district with Substantial Racial Disproportion where no HEW "Swann" letter was sent.** See discussion of Appendix B below. "III. *HEW's Functions Under Title VI of the Civil Rights Act of 1964 Concerning Compliance by Public Educational Institutions With New Supreme Court Desegregation Decisions* A. *Declaratory Judgment* (1) In Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L. Ed. 2d 19 (1969), the Supreme Court required desegregation "at once" of all dual school systems. At the time of that decision (October 29, 1969), 87 school districts had HEW-approved desegregation plans which permitted desegregation to be postponed until September, 1970. Despite the Supreme Court's directive, HEW took no steps to compel desegregation in any of these 87 districts during the 1969-1970 school year. (2) Following the decision of the Supreme Court in Swann v. Charlotte Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), which enunciated "a presumption against schools that are substantially disproportionate in their racial composition" HEW identified 300 non-court order school districts with one or more schools [**10] composed mostly of local minority students. (3) Initially, HEW eliminated 75 of the 300 districts from further consideration without any on-site investigation or communication with the districts because in HEW's judgment the racial disproportion of the schools in these districts was too small to constitute a violation of *Swann*. HEW then eliminated 134 of the remaining 225 districts from further consideration still without any on-site investigation or communication with the districts. At least 85 of these districts, which are listed in Appendix B, *infra*, have one or more schools substantially disproportionate in their racial composition (because at least a 20% disproportion exists between the percentage [*97] of local minority pupils in the schools and the percentage in the entire school district;

			many of these districts actually have a much greater disproportion). Nevertheless, none of these 85 school districts was required by defendants to justify the substantial racial disproportion in its schools. (4) HEW mailed letters to the remaining 91 school districts in the summer of 1971, notifying them that additional desegregation steps may be required under the *Swann* [**11] decision. Of these 91 districts, HEW received desegregation plans acceptable to HEW from 37 districts, noticed three for administrative hearing, and found *Swann* "not applicable" to nine. (5) Thus 42 districts, which are listed in Appendix C, *infra*, were deemed by HEW to be in presumptive violation of Swann and remain so more than a year later while HEW continues to review them. These 42 school districts have been receiving Federal funds from HEW throughout this period of over one year. (6) With respect to the 85 school districts with one or more schools substantially disproportionate in racial composition, HEW's continuation of financial assistance thereto violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Defendants, before advancing or continuing to advance Federal funds in violation of Title VI, have a duty to require districts presumptively in violation of *Swann* or other controlling Supreme Court decisions to explain or rebut such presumption. (7) With respect to the 42 districts which HEW found in presumptive violation of *Swann* and Title VI in the summer of 1971, the time permitted by Title [**12] VI for securing voluntary compliance from these districts before commencing formal enforcement proceedings has long ago elapsed. The continuation of HEW's financial assistance to these school districts violates the rights of plaintiffs and others similarly situated protected by Title VI of the Civil Rights Act of 1964. Having determined that a school district is in presumptive violation of Title VI, and having failed during a substantial period of time to achieve voluntary compliance, then unless the presumption has been overcome by further information defendants have a duty to commence enforcement proceedings. B. *Injunction* (1) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to communicate with each of the 85 districts listed in Appendix B, putting them on notice to rebut or explain the substantial racial disproportion in one or more of the district's schools. (2) Defendants, their successors, agents and employees, are required and enjoined within 60 days of the date of this Order to commence enforcement proceedings by administrative notice of hearing, or to utilize any other means authorized by law, in [**13] order to effect compliance with Title VI by each of the 42 school districts listed in Appendix C, unless prior to this Court's November 16, 1972 Memorandum Opinion defendants have

			made a final determination of compliance by the school district. (3) Defendants, their successors, agents and employees, are required and enjoined to provide in verified form the following data to counsel for the plaintiffs on the dates indicated: a. Within 150 days of the date of this Order, a report of all steps they have taken to comply with the injunctive provisions set forth in III B(1) and (2) above, including a description of what action the Justice Department has taken concerning any school district defendants may have referred to the Department. b. Every twelfth month after the issuance of this Order for a period of three years, a list of all school districts in the 17 southern and border states whose percentage of local minority pupils in the last academic year was at least 20% disproportionate from the percentage of the [*98] local minority pupils in the entire district, and all steps HEW has taken to require these districts to rebut or explain such substantial racial disproportion.
VA	CHESTERFIELD COUNTY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** See: 345 F.2d 310, (1965) 317 F. Supp. 555(1970) **Unitary Status:** 462 F.2d 1058 (1972) 412 U.S. 92 (affirmed)	**Chesterfield County does not have a unique case, in 1971 there was an attempt to bring Chesterfield County into the case and consolidate the districts. The following case is from the US Court of Appeals for the 4th circuit. The Supreme Court [412 U.S. 92] affirmed the judgment by an equally divided Court. **Dual Declaration:** *Bradley v. School Board of City of Richmond*, 317 F. Supp. 555, (1970) "As a consequence thereof, the Court on April 1, 1970, entered a formal order vacating its previous order of March 30, 1966, and mandatorily enjoining the defendants to disestablish the existing dual system of schools and to replace same with a unitary system, the components of which are not identifiable as either "white" or "Negro" schools." **Unitary Declaration:** *Bradley v. School Board of City of Richmond*, 462 F.2d 1058, (1972) What is presented on appeal is whether the district court may compel joinder with Richmond's unitary school system two other school districts (also unitary) in order to achieve a greater degree of integration and racial balance. The district judge felt compelled to order consolidation of the three school units partly because of his concern with what seemed to him an unfortunate racial balance in the three separate systems and partly because he felt this racial balance was the result of invidious state action. In his concern for effective implementation of the Fourteenth Amendment he failed to sufficiently consider, we think, a fundamental principle of federalism incorporated in the Tenth Amendment and failed to consider that Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), established limitations on his power to fashion remedies in school cases. The current phase of the case began on March 10, 1970. On that date the black plaintiffs filed a motion for further relief, and on March 19, 1970, in response to inquiry by the court, the Richmond School Board filed a statement to the effect that "they had been advised that the public schools of the City of

			Richmond are not being operated as unitary schools in accordance with the most recent enunciations of the Supreme Court of the United States." The board thus conceded that its previously implemented plan of integration, largely based on freedom of choice, which plan had been approved by the district court on March 30, 1966, was insufficient under Green v. School Board of New Kent County, *supra*, to constitute a unitary school system. The school board waived a hearing and further advised the court that it had "requested the Department of Health, Education and Welfare to make a study and recommendation as to a plan which would insure the operation of the unitary school system in compliance with the decisions of the United States Supreme Court" said plan to be ready by May 1, 1970. On June 26, 1970, the court rejected the proposed HEW plan and granted leave to the Richmond School Board to submit another plan if they so desired. That plan was filed on July 23, 1970, and a hearing on its adequacy was conducted on August 7, 1970. Because of the imminence of the beginning of the school year 1970-71, the court approved this second plan purely on an interim basis. After several additional hearings, another plan, designated Plan III, was approved in April 1971 for the school year 1971-72. The Richmond city schools are currently operating under this plan. In Bradley v. School Board of the City of Richmond, 325 F. Supp. 828, 835 (1971), the district judge, having carefully compared the three proposed plans, plus a fourth one, called the Foster Plan, concluded that Plan III, if successfully implemented, would eliminate "the racial identifiability of each facility to the extent feasible within the City of Richmond." The court added that "this is the extent, under current law, of the affirmative obligation governing use of its [school board] available powers: . . ." Meanwhile, administrators of the Richmond school system were having second thoughts, prompted perhaps by a colloquy between court and counsel having to do with possible consolidation of the Richmond school system with the adjoining school systems of **Chesterfield** County and **Henrico** County. Under the approved Plan III it was projected that the percentage of whites in high schools would range from 21 percent to 57 percent and the percentage of blacks from 43 percent to 79 percent, that the range in middle schools would be 19 percent to 61 percent whites and 39 percent to 81 percent black, and the elementary range would be from 20 percent to 66 percent white and from 34 percent to 80 percent black. Such arithmetic pointed up the obvious: that if the heavily white school population of the adjoining counties could be combined with the majority black school population of Richmond a "better" racial mix would result. Thus, on November 4, 1970, the city filed a "motion to compel joinder of parties needed for just adjudication under Rule 19." The court allowed the motion and the filing of an amended complaint directed toward relief against these new respondents: the Board of Supervisors of **Chesterfield** County, the Board of Supervisors of Henrico County, the School Board of **Chesterfield** County, the School Board of Henrico County, the State Board of Education, and the Superintendent of Public Instruction. On January 10, 1972, came judgment: all defendants, including the State Board of Education, the State Superintendent of Public Instruction, the school boards of the two counties and the city, the boards of supervisors of the two counties, and the City Council of the city, were enjoined to

			create a single school division composed of the city and the two counties. In great detail, set out on some seven pages, methods and procedures for effecting consolidation were specified to be completed within time limitations. It is from this injunction that the state and county defendants prosecute this appeal. Because we think the last vestiges of state-imposed segregation have been wiped out in the public schools of the City of Richmond and the Counties of Henrico and **Chesterfield** and *unitary school systems achieved, and because it is not established that the racial composition of the schools in the City of Richmond and the counties is the result of invidious state action, we conclude there is no constitutional violation and that, therefore, the district judge exceeded his power of intervention.* • The following link offers a timeline of the Richmond desegregation case, which also involves Henrico and Chesterfield Districts. (Richmond History Center: Education and Public Programs) **No further information found to determine if this unitary declaration was ever overturned.
VA	FAIRFAX COUNTY PUBLIC SCHOOLS	**Dual Declaration:** 334 F.2d 239 (6/1964) **Unitary Status:** unknown	**Dual Declaration:** *Blakeney v. Fairfax County School Board,* 226 F.Supp. 713 (1964) Blacks were allowed to attend any school in any area, but whites were not allowed to attend any all black schools. Suit asked that whites be compelled to attend the nearest school, regardless of whether it be all white, all black or integrated. The Court declared that the evidence established that Fairfax County was **not** maintaining a dual or segregated school system and that all eligible students seeking admission or transfer were treated on a racially nondiscriminatory basis but that the county pupil placement resolution was to be reformed so as to apply by its terms to all students, instead of only to Negro students, thereby conforming with placement practice and eliminating its facial infirmity. *Blakeney v. Fairfax County School Board,* 334 F.2d 239 (June 1964) The US Court of Appeals, Fourth Circuit heard the case upon appeal and ruled that "Upon consideration of the briefs and arguments of counsel and the history of litigation involving the School Board of Fairfax County, we are of the view that the injunction to prohibit a system of segregated schools, prayed for by the five appellants, should have been granted. **Unitary Status:** Unknown. I did not find any information on Google and Lexis Nexis search engines.
VA	HENRICO		**Henrico County does not have a unique case, in 1971 there was an attempt to bring Henrico County into the

	COUNTY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** See: 345 F.2d 310, (1965) 317 F. Supp. 555(1970) **Unitary Status:** 462 F.2d 1058 (1972) 412 U.S. 92 (affirmed)	case and consolidate the districts. The following case is from the US Court of Appeals for the 4th circuit. The Supreme Court [412 U.S. 92] affirmed the judgment by an equally divided Court. **Dual Declaration:** *Bradley v. School Board of City of Richmond*, 317 F. Supp. 555, (1970) "As a consequence thereof, the Court on April 1, 1970, entered a formal order vacating its previous order of March 30, 1966, and mandatorily enjoining the defendants to disestablish the existing dual system of schools and to replace same with a unitary system, the components of which are not identifiable as either "white" or "Negro" schools." **Unitary Declaration:** *Bradley v. School Board of City of Richmond*, 462 F.2d 1058, (1972) What is presented on appeal is whether the district court may compel joinder with Richmond's unitary school system two other school districts (also unitary) in order to achieve a greater degree of integration and racial balance. The district judge felt compelled to order consolidation of the three school units partly because of his concern with what seemed to him an unfortunate racial balance in the three separate systems and partly because he felt this racial balance was the result of invidious state action. In his concern for effective implementation of the Fourteenth Amendment he failed to sufficiently consider, we think, a fundamental principle of federalism incorporated in the Tenth Amendment and failed to consider that Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d 554 (1971), established limitations on his power to fashion remedies in school cases. The current phase of the case began on March 10, 1970. On that date the black plaintiffs filed a motion for further relief, and on March 19, 1970, in response to inquiry by the court, the Richmond School Board filed a statement to the effect that "they had been advised that the public schools of the City of Richmond are not being operated as unitary schools in accordance with the most recent enunciations of the Supreme Court of the United States." The board thus conceded that its previously implemented plan of integration, largely based on freedom of choice, which plan had been approved by the district court on March 30, 1966, was insufficient under Green v. School Board of New Kent County, *supra*, to constitute a unitary school system. The school board waived a hearing and further advised the court that it had "requested the Department of Health, Education and Welfare to make a study and recommendation as to a plan which would insure the operation of the unitary school system in compliance with the decisions of the United States Supreme Court" said plan to be ready by May 1, 1970. On June 26, 1970, the court rejected the proposed HEW plan and granted leave to the Richmond School Board to submit another plan if they so desired. That plan was filed on July 23, 1970, and a hearing on its adequacy was conducted on August 7, 1970. Because of the imminence of the beginning of the school year 1970-71, the court approved this second plan purely on an interim basis. After several additional hearings, another plan, designated Plan III, was approved in April 1971 for the school year 1971-72. The Richmond city schools are currently operating under this plan. In Bradley v. School

			Board of the City of Richmond, 325 F. Supp. 828, 835 (1971), the district judge, having carefully compared the three proposed plans, plus a fourth one, called the Foster Plan, concluded that Plan III, if successfully implemented, would eliminate "the racial identifiability of each facility to the extent feasible within the City of Richmond." The court added that "this is the extent, under current law, of the affirmative obligation governing use of its [school board] available powers: . . ." Meanwhile, administrators of the Richmond school system were having second thoughts, prompted perhaps by a colloquy between court and counsel having to do with possible consolidation of the Richmond school system with the adjoining school systems of **Chesterfield** County and **Henrico** County. Under the approved Plan III it was projected that the percentage of whites in high schools would range from 21 percent to 57 percent and the percentage of blacks from 43 percent to 79 percent, that the range in middle schools would be 19 percent to 61 percent whites and 39 percent to 81 percent black, and the elementary range would be from 20 percent to 66 percent white and from 34 percent to 80 percent black. Such arithmetic pointed up the obvious: that if the heavily white school population of the adjoining counties could be combined with the majority black school population of Richmond a "better" racial mix would result. Thus, on November 4, 1970, the city filed a "motion to compel joinder of parties needed for just adjudication under Rule 19." The court allowed the motion and the filing of an amended complaint directed toward relief against these new respondents: the Board of Supervisors of Chesterfield County, the Board of Supervisors of Henrico County, the School Board of Chesterfield County, the School Board of Henrico County, the State Board of Education, and the Superintendent of Public Instruction. On January 10, 1972, came judgment: all defendants, including the State Board of Education, the State Superintendent of Public Instruction, the school boards of the two counties and the city, the boards of [**7] supervisors of the two counties, and the City Council of the city, were enjoined to create a single school division composed of the city and the two counties. In great detail, set out on some seven pages, methods and procedures for effecting consolidation were specified to be completed within time limitations. It is from this injunction that the state and county defendants prosecute this appeal. Because we think the last vestiges of state-imposed segregation have been wiped out in the public schools of the City of Richmond and the Counties of Henrico and Chesterfield and unitary school systems achieved, and because it is not established that the racial composition of the schools in the City of Richmond and the counties is the result of invidious state action, we conclude there is no constitutional violation and that, therefore, the district judge exceeded his power of intervention. • The following link offers a timeline of the Richmond desegregation case, which also involves Henrico and Chesterfield Districts. (Richmond History Center: Education and Public Programs)

			**No further information found to determine if this unitary declaration was ever overturned.
VA	LOUDOUN COUNTY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** 283 F. Supp. 60 (1963) **Unitary Status:** unknown	**Dual Declaration:** *Corbin v. County School Board of Loudoun County, VA* 283 F. Supp. 60 (1963) "This cause having come on for hearing upon the motions of the United States of America and of the individual plaintiffs and plaintiff-intervenors for supplemental relief; and it appearing that on May 16, 1963 this Court entered an order designed to eliminate from Loudoun County the then-existing dual school system based on race, and a hearing having been held on August 25, 1967 on the aforesaid motions; And the Court, after having given due consideration to the pleadings, testimony and arguments of counsel, being of the opinion that the schools of Loudoun County should be desegregated" **Unitary Status:** Unknown. Lexis Nexis and Google search engines did not reveal any additional information.
VA	NEWPORT NEWS CITY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** 148 F.Supp. 430 (?) **Unitary Status:** Unknown.	**Dual Declaration:** *Adkins v. School Bd. of City of Newport News*, 148 F.Supp. 430, (1957) aff'd, 246 F.2d 325 (4th Cir. 1957) **This case deals with Virginia's attempt to maintain segregated schools after *Brown* decision. The court ruled that: "**A local school board may as in years prior to the Brown decision, pass upon individual applications for school changes and, so long as discrimination solely by reason of race does not appear, there is no inherent right of any child to attend any particular school in which children of another race are in attendance. But as long as the school boards maintain an announced policy refusing to consider the applications separately and take no steps towards removing the requirement of segregation in the schools which the Supreme Court has held violative of the constitutional rights, there appears to be nothing any court may do other than to enjoin the violation of constitutional rights in the operation of schools by the authorities and, in the event of continued violation, proceed by way of contempt." **1970s litigation case name and number unknown. Summary found below: The case made Newport News one of the first communities in Virginia to face a legal challenge to its schools. The NAACP filed more lawsuits in Virginia than anywhere in the South. And the state fought back. The city of Arlington had planned to begin desegregation in the fall of 1956, but caved to the power of the state government. When the courts ordered schools in Norfolk, Charlottesville and Warren County to integrate, Gov. Lindsay Almond Jr. promptly stepped in and closed them. But the NAACP's suit against Newport News' schools continued to drag on. Walker, one of the lawyers who filed the suit, says the city and the courts seemed to use any excuse -

			including Newport News' consolidation with Warwick County - to avoid desegregation. "A scare tactic," Walker called it. "They delayed and delayed and delayed In July 1970, the NAACP finally filed the lawsuit that forced Newport News to desegregate. The first fully integrated Newport News schools were set to open for class in the fall of 1971. But with full compliance, a new problem was heating up in the school systems across the country. Busing brought parents into the fray like nothing else. Busing continued to be an issue in Newport News until the mid-1970s. Stories of pilfered lunch money, stolen books and hallway fights were common. Parents fearing outbreaks of violence drove their children to school instead of putting them on buses." "Closing the Gap" The Daily Press May 16, 2004 **Unitary Status:** Unknown. Nothing found on Google and Lexis Nexis Search Engines. • Subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 4)
VA	NORFOLK CITY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** 148 F. Supp. 430	**Dual Declaration:** *Beckett v. School Board of the City of Norfolk*, 148 F. Supp. 430 (1957) "In 1956, litigation began which sought the integration of Norfolk's public schools. Beckett v. School Board of the City of Norfolk, 148 F. Supp. 430 (E.D. Va.), aff'd 246 F.2d 325 (4th Cir.), cert. den. 355 U.S. 855, 78 S. Ct. 83, 2 L. Ed. 2d 63 (1957). Following intervention of additional plaintiffs, the case became styled Brewer v. School Board of the City of Norfolk, see 349 F.2d 414 (4th Cir. 1965) (referred to herein as Brewer or Beckett). "In 1970, this court upheld a finding that the Norfolk school board operated a dual school system based on race. Brewer, 434 F.2d 408, 410 (4th Cir.), cert. den. 399 U.S. 929, 90 S. Ct. 2247, 26 L. Ed. 2d 796 (1970). The district court was ordered to implement a plan in order to achieve a unitary school system in Norfolk. Brewer, supra, at 412. Following the Supreme Court's decision in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 28 L. Ed. 2d 554, 91 S. Ct. 1267 (1971), the court again remanded Brewer to the district court for implementation of a desegregation plan conforming with Swann's expanded scope of remedies. Brewer, sub nom. Adams v. School District No. 5, Orangeburg Co., S.C., 444 F.2d 99 (4th Cir), cert. den. 404 U.S. 912, 92 S. Ct. 230, 30 L. Ed. 2d 186 (1971). "Following remand, the district court adopted a desegregation plan which utilized pairing and clustering of schools in Norfolk, as well as cross-town busing in the assignment of students to accomplish desegregation. This court affirmed implementation of the busing plan with a modification of the plan to

		Unitary Status: Unknown (1975) 784 F.2d 521 (1986) offers excellent summary of events and affirms district's unitary status.	provide for free transportation for those students bused. Brewer v. School Board of the City of Norfolk, 456 F.2d 943 (4th Cir.), cert. den. 406 U.S. 933, 92 S. Ct. 1778, 32 L. Ed. 2d 136 (1972)." **Unitary Status:** *unknown* [case number unknown] (1975) *Riddick v. School Board of the City of Norfolk*., 784 F.2d 521 (1986) summarizes the 1975 unitary decision as follows: "Three annual reports by the school board were reviewed by the district court following its 1971 order. In 1975, the district court determined that racial discrimination had been eliminated from the Norfolk school system and that the school system had become unitary. Therefore, the district court dismissed the Beckett action". The case quotes the unitary order as follows: "It appearing to the Court that all issues in this action have been disposed of, that the School Board of the City of Norfolk has satisfied its affirmative duty to desegregate, that racial discrimination through official action has been eliminated from the system, and that the Norfolk School System is now "unitary," the Court doth accordingly. Dated: February 14, 1975" "No appeal was taken from the order dismissing the case. No legal action was taken with respect to the desegregation of Norfolk's public schools from 1975 until the present action [*Riddick v. School Board of Norfolk*] was filed in 1983. "Although no longer under court order, the Norfolk school board continued cross-town busing until 1983. At that time, the board concluded that declining white enrollment figures required that the busing plan be modified to abolish mandatory busing of elementary school students. In its stead, the board adopted a pupil assignment plan based on geographic zones for its elementary schools. The board sought district court approval of its proposed plan by filing a motion to reinstate the *Beckett* case and by filing a civil action, *School Board of the City of Norfolk v. Bell, et al*, No. 83-225-N (E.D. Va. 1983). The *Riddick* plaintiffs (those presently before the court) thereafter filed this class action suit challenging the proposed pupil assignment plan. The board voluntarily dismissed the *Bell* case and withdrew its motion in the *Beckett* case. "Briefly stated, this Court holds as follows: 1. The 1975 Order entered in ***Beckett*** is to be given full force and effect. It was signed four years after this Court ordered crosstown busing, and after this Court had overseen the operation of the school system for four years. The Order was entered only after due reflection and consideration

			by this Court. And it is clear, moreover, that the school system displays the various indicia of a unitary system. 2. As a result of the proper findings made in the 1975 Order, that the School Board has satisfied its affirmative duty to desegregate and that the system is unitary, the plaintiffs in this action bear the burden of proof. Plaintiffs must show that the School Board's actions in adopting the Proposed Plan were taken with an intent to discriminate on the basis of race." • "Unpublished rulings declared many school districts unitary, including… **Virginia's Norfolk School District**." Selected Unitary Status Rulings between 1990-2002, Harvard Civil Rights Project
VA	PRINCE WILLIAM COUNTY PUBLIC SCHOOLS [revised 7/8/04]	**Dual Declaration:** Unknown. **Unitary Status:** Unknown.	**Dual Declaration:** Unknown. No cases found on Google and Lexis Nexis search engines. **Unitary Status:** Unknown.
VA	VIRGINIA BEACH CITY PUBLIC SCHOOLS	**Dual Declaration:** None. **Unitary Status:** None.	Not subject to court-ordered desegregation. Logan, John R. and Deirdre Oakley. The Continuing Legacy of the Brown Decision: Court Action and School Segregation, 1960-2000 (2004) Page 10 (Table 3)

Methodology:

I conducted three basic searches for each school district:

1. Lewis Mumford Center School Desegregation search – this site lists cases from every district in every state. The database is not up-to-date, but I used it as a starting point. Often, the cases mentioned on this site gave me a starting point when beginning my search at LexisNexis.
2. LexisNexis search – using the "Area of Law by Topic" option, I used keyword "desegregation," topic "Education Law," date "all available dates," and finally I narrowed the search with the additional term being the state name (in the case of Texas, this produced too many hits, so I narrowed with both the state name and the school district name). After the preliminary list of cases was retrieved, I further narrowed the search with the name of the school district.
3. Google search – I used the following Boolean search: "[district]" AND "school" AND (unitary OR segregation OR desegregation). For [district], I included as much of the district name as I knew, which was usually along the lines of "Baltimore County" or "Houston Independent."

Additional notes:
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