

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:66-cv-02148-KS**

**COVINGTON COUNTY SCHOOL DISTRICT, et al.**

**DEFENDANTS**

**UNITED STATES' RESPONSE TO COVINGTON COUNTY SCHOOL DISTRICT'S  
MOTION FOR DECLARATION OF UNITARY STATUS**

The United States does not oppose the Covington County School District's (the "District") motion for declaration of unitary status. The United States agrees that the District has complied in good faith with this Court's desegregation orders for a reasonable period of time and has eliminated, to the extent practicable, all vestiges of discrimination resulting from the former racially dual system, including in the areas of student assignment, faculty, staff, student transportation, facilities, and extracurricular activities.

The United States has diligently monitored the District's progress in complying with its outstanding desegregation obligations. In addition to interim consent orders to address specific areas of non-compliance, the United States has conducted site visits, interviewed District employees, and reviewed the District documents related to its compliance with the operative Court orders.

In May 2015, the United conducted a site visit to evaluate the District's compliance with its student assignment obligations. During the visit, the United States gathered information and interviewed employees about the District's code of conduct and other policies and practices, and did not find evidence of non-compliance with the District's desegregation obligations. After examining bus routes and travel times between schools, and exploring various student assignment

options with the assistance of an expert consultant, the United States concluded the District's schools were desegregated to the extent practicable to eliminate any vestiges of the dual system.

In July 2017, the United States visited the District again, accompanied by an expert consultant in facilities. Based on that visit, the United States identified concerns regarding the condition of the facilities at Hopewell Elementary School, which enrolls almost entirely Black students, but for which further desegregation in student assignment is not practicable. When the United States notified the District of the facilities issues, the District took prompt and appropriate remedial action.

The United States has also evaluated complaints alleging discrimination by the District in its hiring practices. In August 2017, the United States received a complaint alleging that the failure to hire any Black teachers at Seminary Elementary School was the product of discrimination. Over the course of several months, the United States received and evaluated information from the District, ultimately concluding that the District had not discriminated on the basis of race in its hiring. As reflected in the District's motion, the following year the District hired a Black teacher and two Black staff members who work with students. Similarly, in February 2020, the United States received a complaint alleging that the District discriminated against its former Superintendent on the basis of her race and requested information to evaluate the complaint. The District provided the requested information in a timely manner, and the District's documentation of its hiring process satisfied the United States' concerns.

The United States agrees with the District that the Court and the parties should consider public comments before a final determination is rendered. If those public comments do not raise concerns regarding the District's good faith compliance, then based on the information available to the United States at this time, we have no objection to the Court granting the District's motion,

declaring it unitary, dissolving all injunctions entered in the case, and dismissing the case with prejudice. The United States defers to the Court as to whether a hearing on the motion should be held.

November 2, 2020

Respectfully submitted,

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Assistant Attorney General  
Civil Rights Division

D. MICHAEL HURST, JR.  
United States Attorney

/s/ James A. Eichner

/s/ Mitzi Dease Paige

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**CERTIFICATE OF SERVICE**

I, James A. Eichner, hereby certify that on November 2, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notification to all counsel of record.

JAMES A. EICHNER  
Trial Attorney  
U.S. Department of Justice