

2005 WL 2850111

Only the Westlaw citation is currently available.
United States District Court,
M.D. Alabama,
Northern Division.

Anthony T. LEE, et al., Plaintiffs,
United States of America, Plaintiff-Intervenor and
Amicus Curiae,
National Education Association, Inc.,
Plaintiff-Intervenor
v.
LEE COUNTY BOARD OF EDUCATION, et al.,
Defendants.

Civil Action No. 3:70cv845-T (WO).

|
Oct. 28, 2005.

OPINION

MYRON H. THOMPSON, District Judge.

*1 On May 29, 2002, the Lee County School System was declared unitary in all respects except for faculty assignment to Loachapoka Elementary School and Loachapoka High School. *Lee v. Lee County Board of Education*, 2002 WL 1268395 (M.D.Ala.) (Thompson, J.). The court found that the disparity in the racial makeup of the faculty at the schools was a vestige of prior de jure segregation. *Id.* at *11. Faculty assignment in desegregation cases is governed by the standards set forth in *Singleton v. Jackson Municipal Separate Sch. Dist.*, 419 F.2d 1211 (5th Cir.1969). This litigation is again before the court, this time on a motion for declaration of unitary status as to the Loachapoka schools and for the termination of this case.

According to the most recent progress report filed on October 24, 2005, the racial makeup of the faculty at Loachapoka Elementary School has been in compliance with the *Singleton* ratio requirements for the 2002-2003

school year, the 2003-2004 school year, the 2004-2005 school year, and the 2005-2006 school year. The racial makeup of the faculty at Loachapoka High School was in compliance with the *Singleton* ratio requirements for the 2004-2005 school year. The movement of a single African-American teacher would place the high school within the *Singleton* ratio for the 2005-2006 school year.

As discussed in a telephone status conference held on October 27, 2005, all parties are in agreement that the Lee County School System has made significant progress since the 2002 fairness hearing that resulted in the court's continuing jurisdiction over the issue of faculty assignment. No party objects to an order declaring the Lee County School System unitary in all respects.

The motion for declaration of unitary status and termination of this litigation filed by the board and its members and superintendent will be granted, all outstanding orders and injunctions will be dissolved, and this litigation dismissed as to the board and its members and superintendent. However, the state defendants will not be dismissed, and the orders dealing with the state-wide "special education" and "facilities" issues will not be dissolved.

An appropriate judgement will be entered.

JUDGMENT

In accordance with the memorandum opinion entered this day, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

- (1) The motion for declaration of unitary status and termination of this litigation, filed by defendants Lee County Board of Education and its members and superintendent (Doc. No. 235) is granted.
- (2) The Lee County School System is DECLARED to be unitary.
- (3) All outstanding orders and injunctions are dissolved as to defendants Lee County Board of Education and its members and superintendent.

(4) Defendants Lee County Board of Education and its members and superintendent are dismissed.

It further ORDERED that the state defendants (the Alabama State Board of Education, its members, the State Superintendent of Education, and the Governor of Alabama) are not dismissed and that the orders dealing with the state-wide “facilities” and “special education” issues are not dissolved.

*2 The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

All Citations

Not Reported in F.Supp.2d, 2005 WL 2850111