

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

MAR - 4 2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

JAMES W. McCORMACK, CLERK  
By: *[Signature]*  
CLERK

UNITED STATES OF AMERICA )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 COTTON PLANT SCHOOL DISTRICT, )  
 NO. 1, et. al., )  
 )  
 Defendants. )

CIVIL ACTION NO. H 70C-10  
  
(HELENA/WEST HELENA SCHOOL DISTRICT)

**AGREED ORDER OF UNITARY STATUS AND DISMISSAL**

In January 2001, the United States initiated a review of the Helena/West Helena School District (District), which included an information request to the District. Based on a review of the information and data provided by the District, the United States advised the District that, in its view, the District has fulfilled its affirmative desegregation obligations under the Fourteenth Amendment and applicable federal law, entitling the District to a declaration of unitary status. As indicated by the signatures of counsel below, the parties respectfully request that the Court approve this Agreed Order of Unitary Status and Dismissal, declaring that the District has achieved unitary status and dismissing this case.

**I. PROCEDURAL HISTORY**

This school desegregation suit was instituted by the United States against the Helena/West Helena School District on July 9, 1970. On the same day, this Court entered an Order requiring the United States and the Helena/West Helena School District to collaborate in the preparation of a plan

for the immediate conversion of the District to a unitary, nondiscriminatory school system. On August 20, 1970, this Court entered an order requiring the District to implement the student assignment plan agreed upon by the parties.

Under the 1970 Order, the District was ordered to reorganize the schools and change the attendance zones to best desegregate the system. The District was also ordered to put in place provisions related to the desegregation of faculty and staff and transportation.

In January 2001, to assess the status of the District's desegregation efforts, the United States initiated a review of the case, conducting an analysis of U.S. Census and student assignment data. The United States elicited supplemental information from the District regarding classroom assignments, intra- and inter-district transfers, and transportation policies.

## **II. STIPULATED FACTS**

Beginning with the 1970-71 school year, the District operated a single-grade configuration school system, that is, every child enrolled in a particular grade was assigned to a single school. This practice continues, and every student in Kindergarten attends Woodruff Elementary School; students in grades 1-2 attend Beech Crest Elementary; students in grades 3-4 attend West Side Elementary; students in grades 5-6 attend J.F. Wahl Elementary; students in grades 7-8 attend Miller Junior High; and students in grades 9-12 attend Central High School.

Today, Helena/West Helena is a small school district serving a total student population of 3444, 3099 (90%) of whom are African-American. Moreover, the District does not appear to enroll out-of-district students. Finally, there is no evidence that vestiges of segregation remain in any other facet of the District's operations.

## **III. LEGAL ANALYSIS**

It has long been recognized that the goal of a school desegregation case is to convert promptly a *de jure* segregated school system to a system without "white" schools or "black" schools, but just schools. *Green v. County School Bd. of New Kent County, Va.*, 391 U.S. 430, 442 (1968). The standard established by the Supreme Court for determining whether a school district has achieved unitary status, thus warranting termination of judicial supervision, is: (1) whether the school district has fully and satisfactorily complied with the court's desegregation orders for a reasonable period of time; (2) whether the school district has eliminated the vestiges of past *de jure* discrimination to the extent practicable; and (3) whether the school district has demonstrated a good faith commitment to the whole of the court's order and to those provisions of the law and the Constitution which were the predicate for judicial intervention in the first instance. See *Missouri v. Jenkins*, 515 U.S. 70, 87-89 (1995); *Freeman v. Pitts*, 503 U.S. 467, 491-92, 498 (1992); *Board of Educ. of Oklahoma City Pub. Sch. v. Dowell*, 498 U.S. 237, 248-50 (1991); *Jenkins v. Missouri*, 122 F.3d 588, 596 (8<sup>th</sup> Cir. 1997).

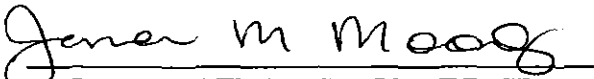
The Supreme Court has identified six areas, commonly known as the "*Green* factors," which must be addressed as part of the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green*, 391 U.S. at 435. See *Dowell*, 498 U.S. at 250; *Jenkins*, 122 F.3d at 591. But the *Green* factors are not intended to be a "rigid framework;" the Supreme Court has approved consideration of other indicia, such as "quality of education," as important factors in determining whether the District has fulfilled its desegregation obligations. See *Freeman*, 503 U.S. at 492-93.

#### IV. CONCLUSION

Based on the information and data provided by the District, and on all the surrounding facts, the District has complied with the Court's desegregation orders for a reasonable period of time and has eliminated the vestiges of past *de jure* discrimination to the extent practicable. The Court concludes, therefore, that the Helena/West Helena School District has met the legal standards for a declaration of unitary status, and that it is entitled to dismissal of this action.

Accordingly, it is hereby ORDERED that all prior injunctions in this case are DISSOLVED, jurisdiction is TERMINATED, and this case is DISMISSED WITH PREJUDICE.

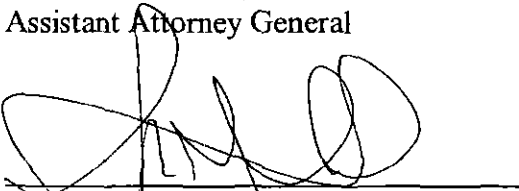
ENTERED THIS 3 DAY OF March, 2003.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

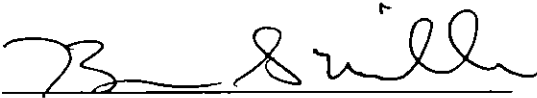
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A handwritten signature in cursive script, appearing to read "B. Miller", is written over a horizontal line.

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March 4, 2003

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:70-cv-00010.

True and correct copies of the attached were mailed by the clerk to the following: press, file

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Date: 3/4/03  
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