

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
 SOUTHERN DIVISION

FILED

JUL 23 1998

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ALABAMA

km

ANTHONY T. LEE, et al.,)
)
 Plaintiffs,)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff-Intervenor)
 and Amicus Curiae,)
)
 NATIONAL EDUCATION)
 ASSOCIATION, INC.,)
)
 Plaintiff-Intervenor,)
)
 v.)
)
 MACON COUNTY BOARD OF)
 EDUCATION, et al.,)
)
 Defendants.)

Civil Action No. 70-0251
 (Tuscaloosa City School System)

**JOINT STIPULATION AND MOTION
 FOR APPROVAL AND ENTRY OF ORDER OF DISMISSAL**

Plaintiffs, Anthony T. Lee, *et al.* (the “private Plaintiffs”); Plaintiff-Intervenor and Amicus Curiae, United States of America (the “United States”); and Defendant, Tuscaloosa City Board of Education (the “Board”), do hereby stipulate that the above styled action may be dismissed with prejudice and with each party to bear his or its own costs subject to the provisions as set forth herein. All parties further agree and consent to the Court entering an order dismissing this case as set forth below.

I. History of the Case

In August 1963, the United States District Court for the Middle District of Alabama ordered the public schools in Macon County desegregated. *See Lee v. Macon Co. Bd. of Educ.*, 221 F. Supp.



86

297 (M.D. Ala. 1963). The following year, the private Plaintiffs filed a supplemental complaint alleging that the Alabama State Board of Education had asserted control over the public schools in Alabama in order to thwart desegregation efforts. The complaint also challenged dual school systems throughout Alabama and sought a court order requiring statewide desegregation of the public schools. Following extensive litigation, an appointed three-judge panel of the United States District Court for the Middle District of Alabama concluded that a dual school system based upon race was operated throughout Alabama and that it was the policy of the state to promote and encourage such a dual system. *See Lee v. Macon Co. Bd. of Educ.*, 231 F. Supp. 743, 750 (M.D. Ala. 1964). The district court enjoined the Alabama State Board of Education, the Governor of Alabama, and other state officials from interfering with federal court orders requiring the elimination of racial discrimination in Alabama's public school systems. *See id.* at 758. The district court declined at that time, however, to order state-wide desegregation. *See id.* at 756.

In 1966, because Alabama's public schools remained overwhelmingly segregated, the private Plaintiffs filed supplemental complaints seeking a state-wide desegregation order and further injunctive relief prohibiting the use of state funds to support the dual system. In 1967, the district court found that the State Board of Education and the Alabama Superintendent of Education continued to interfere with the desegregation of the public schools in Alabama and that the state continued to operate a dual public school system based upon race. On August 25, 1969, the Tuscaloosa City School System was added as a defendant to this case.

On March 13, 1970, an evidentiary hearing was held regarding Tuscaloosa City Schools, and the district court entered an order approving a plan to desegregate the school systems schools. On April 15, 1970, the district court transferred jurisdiction over each school system to the district court for the district in which the school system is located. As a result, jurisdiction of the Tuscaloosa City

Schools case was transferred to the United States District Court for the Northern District. *See Lee v. Macon County Bd. of Educ.*, 429 F.2d 1218, 1219 (5th Cir. 1970) [hereinafter “*Tuscaloosa I*”].

The desegregation plan approved by the district court provided for student assignment based upon geographic zoning and residential proximity. At the time of the 1970 desegregation order, the Tuscaloosa City School System had 20 schools: 15 elementary schools, three junior highs and two high schools, with a total of 13,496 students, of whom 7,453 were white and 6,043 were black.

The three-judge district court’s desegregation order was affirmed by the Fifth Circuit in *Tuscaloosa I*. In *Tuscaloosa I*, the “unitary, desegregated character of the [Tuscaloosa] School System as to faculty, staff, facilities, etc.” was not disputed by any of the parties; the only issue on appeal was the aspect of student assignment. *Tuscaloosa I*, 429 F.2d at 1220. The Fifth Circuit found that all the vestiges of past *de jure* discrimination had been eliminated to the extent practicable in the school system with the exception of student assignment. *See id.* at 1221-22 (“It is unquestioned that the racial identification of the . . . Tuscaloosa city schools has been eliminated in all the particulars specified in *Green v. County School Bd. of New Kent Co., Va.*, [391 U.S. 430 (1968)], with the exception of student desegregation.” (emphasis added) (internal citations omitted)). The Fifth Circuit viewed the desegregation plan adopted by the district court as “fully integrat[ing] [the Tuscaloosa City School System] under the *Green* criteria, and convert[ing] [it] to [a] unitary, nonracial system[.]” and held the lower court had not erred in ordering it implemented. *Tuscaloosa I*, 429 F.2d at 1223.

In 1976, six years after the Fifth Circuit's affirmance of the three-judge district court, the United States moved for supplemental relief claiming that Tuscaloosa’s schools had not been fully desegregated. The district court granted the United States supplemental relief concerning desegregation of faculty in accordance with *Singleton v. Jackson Municipal Separate School Dist.*,

419 F.2d 1211 (5th Cir. 1969) and ordered the Tuscaloosa City School System to provide free transportation to students electing majority-to-minority transfer, but it denied the United States supplemental relief concerning student assignment. The United States appealed a second time to the Fifth Circuit on the issue of student assignment.

In *Lee v. Tuscaloosa City Sch. System*, 576 F.2d 39, 41 (5th Cir. 1978) [hereinafter "*Tuscaloosa II*"], the Fifth Circuit vacated the district court's order. The Fifth Circuit found that several racially identifiable schools existed even though student enrollment was evenly divided between whites and African-Americans and thus, remanded to the district court to fashion a remedy "designed to alleviate the condition of racially identifiable schools in Tuscaloosa." *Tuscaloosa II*, 576 F.2d at 41.

On remand, the district court again devised a school desegregation plan and ordered its implementation. Under the plan, Tuscaloosa's two high schools were combined into one, with all ninth and tenth grade students attending the formerly all-black Druid High School (now Central High School-West Campus) and all eleventh and twelfth grade students attending the formerly all-white Tuscaloosa High School (now Central High School--East Campus), and its three junior high schools were converted to single grade middle schools, with sixth grade students attending Eastwood Junior High (now Eastwood Middle School), seventh grade students attending Tuscaloosa Junior High (now Tuscaloosa Middle School) and eighth grade students attending Westlawn Junior High (now Westlawn Middle School). The United States appealed for a third time to the Fifth Circuit, challenging only that part of the plan concerning desegregation of elementary grades kindergarten through five. *See Lee v. Macon County Bd. of Educ.*, 616 F.2d 805 (5th Cir. 1980) [hereinafter "*Tuscaloosa III*"].

In *Tuscaloosa III*, the Fifth Circuit vacated the district court's order and remanded the case with instructions to modify the desegregation plan to achieve a unitary school system with respect to elementary grades. *See Tuscaloosa III*, 616 F.2d at 809, 812. Though the Fifth Circuit noted that the Tuscaloosa City School System had not achieved unitary status, *see Tuscaloosa III*, 616 F.2d at 810, the court did recognize that "[a]ll parties agree that except as to grades kindergarten through five the district court has fully complied with the dictates of the United States Supreme Court and our mandate in *Tuscaloosa II*", *see id.* at 807

On remand, the parties settled the issue of student assignment among elementary grades kindergarten through five by agreeing to a desegregation plan for these grades. By joint motion, the parties moved this District Court to enter a consent order approving the agreed upon plan. The district court approved the plan and ordered it implemented. *See Lee v. Macon County Bd. of Educ.*, Civil Action No. 70-251, slip op. at 528 (July 29, 1981) [hereinafter "*1981 Consent Order*"]. The district court found that the plan was fair and equitable and would accomplish the desegregation of grades kindergarten through five.

Under the *1981 Consent Order*, three elementary schools were permitted to remain all black: Central, Stillman Heights and what was then called 32nd Avenue, later renamed Martin Luther King, Jr. In return for these schools remaining all black, they were to be provided with compensatory programs. Compensatory programs were also to be provided to any elementary school whose student enrollment was 85% or more black. Also under the *1981 Consent Order*, attendance zones were established for each of the elementary schools; the student capacity of Stafford Elementary was to be increased by the construction of an addition; Parkview, East End and 20th Street elementary schools were to be closed; a new elementary school, Verner Elementary School, was to be built; free transportation was to be provided to any student residing more than two miles from his assigned

school and to any student electing a majority-to-minority transfer who resided more than two miles from the school to which transferred; and Tuscaloosa City School System was to obtain prior court approval before commencing any new school construction and file periodic reports with the court and the other parties. The district court found that the attendance zones were rational and did not impose any hardship or burden upon any students. *See id.* at 530.

In 1995, the Board sought approval by this Court of the rebuilding of University Place and construction of a new elementary school, Rock Quarry Elementary School, in an effort to alleviate overcrowding of Tuscaloosa's elementary schools. This construction was part of a comprehensive five-year facilities plan developed by the Board, which also provided for implementation of a new student transfer policy; changes in student assignment zones; implementation of magnet programs at University Place, Stafford and Rock Quarry elementary schools; and the continuation of the magnet program at Central Elementary School. This five-year facilities plan was approved by this Court in *Lee v. United States*, 914 F. Supp. 489 (N.D. Ala. 1995) [hereinafter "*Tuscaloosa IV*"]. This Court found that the plan was constitutionally acceptable and would further desegregate Tuscaloosa's schools, that all parties agreed to the transfer policy, that the burden of transportation would be distributed equitably between whites and blacks, and that the Board had acted in good faith in formulating the plan and had taken into consideration community members' concerns. Accordingly, this Court found that Tuscaloosa City Board of Education "ha[d] fulfilled its constitutional duty." *See Tuscaloosa IV*, 914 F. Supp. at 495, 496.

On October 17, 1997, the Board filed a Motion for Declaration of Unitary Status and Order of Dismissal. This Court entered a Scheduling Order pursuant to FED. R. CIV. P. 16(b) on November 10, 1997. This Scheduling Order was subsequently modified on May 22, 1998. Private Plaintiffs and United States have conducted discovery through interrogatories and depositions of fact

witnesses. Private Plaintiffs and United States have also conducted on-site visits of the Tuscaloosa City Schools. The parties have since entered into discussions and negotiations concerning the Board's pending motion.

II. Legal Standards

The standard for declaring a school district as having achieved unitary status and thus, terminating a school desegregation order 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 vestiges of past *de jure* discrimination have been eliminated to the extent practicable, and (3) whether the school district has demonstrated a good faith commitment to the whole of the court's orders and to those provisions of the law and the Constitution which were the predicate for judicial intervention. *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 v. Dowell*, 498 U.S. 237, 248-50 (1991) *Missouri v. Jenkins*, 515 U.S. 70, 87-89 (1995).¹ As the United States Supreme Court has noted, a "court's end purpose must be to remedy the violation and in addition to restore state and local authorities to the control of a school system that is operating in compliance with the Constitution." *Freeman v. Pitts*, 503 U.S. 467, 489 (1992).

A federal district court's supervision of a school district is also guided by several premises. First, a district court's supervision of a local school system is intended to be a temporary measure. *See Board of Educ. of Oklahoma City v. Dowell*, 498 U.S. 237, 247 (1991). Second, a district court's

¹ These factors are interrelated. Further, the good faith component has two parts; a school must show not only past good faith compliance, but also a good faith commitment to the future operation of the school system. *See Brown v. Board of Educ.*, 978 F.2d 585, 592 (10th Cir. 1992); *United States v. Unified Sch. Dist. No. 500, Kansas City (Wyandotte Co.), Kansas*, 974 F. Supp. 1367 (D. Kan. 1997).

ultimate goal is to return school districts to the control of local authorities. *See Freeman v. Pitts*, 503 U.S. 467, 489 (1992). This goal recognizes the importance of local control over public schools. As the Supreme Court explained in *Dowell*:

Local control over education of children allows citizens to participate in decisionmaking, and allows innovation so that school programs can fit local needs. . . . Dissolving a desegregation decree after local authorities have operated in compliance with it for a reasonable period of time properly recognizes that “necessary concern for the important values of local control of public school systems dictates that a federal court’s regulatory control of such systems not extend beyond the time required to remedy the effects of past intentional discrimination.”

Dowell, 498 U.S. at 248 (internal citations omitted) (quoting *Milliken v. Bradley*, 433 U.S. 267, 280-82 (1977)). Thus, the Supreme Court has admonished district courts that “returning schools to the control of local authorities at the *earliest practicable date* is essential to restore their true accountability in our governmental system.” *Freeman*, 503 U.S. at 490. Finally, a district court's jurisdiction and remedial authority extends only to those discriminatory practices or effects which are proximately related to the past dual system. *See id.* at 495. With the passage of time, the less likely is the fact that a current racial imbalance in a school district is a vestige of the prior *de jure* segregation. *See id.* at 491-92, 496.

Private Plaintiffs and United States used these factors in framing discovery requests; in reviewing the voluminous documents, reports, data and other materials provided by Defendant; and in formulating the issues to be addressed in an attempt to resolve these matters to the benefit of the students in this school district.

Private Plaintiffs contend that Defendant has not fully eliminated the vestiges of prior segregation in all aspects of its public schools in accordance with applicable legal precedents and that Defendant is not entitled to dismissal of the case in its entirety. Nevertheless, Private Plaintiffs recognize that it is impracticable to eliminate what they contend are some continuing vestiges of the

prior dual public school system, and they wish to avoid the expense, complexity, and duration of contested and protracted litigation over the Tuscaloosa City School System's present entitlement to a declaration of unitary status.

The Board, on the other hand, contends that it has fully and satisfactorily complied with the court's desegregation orders; that it has eliminated the vestiges of *de jure* discrimination to the extent practicable; that it has continuously demonstrated its good faith commitment to the whole of the court's orders and to those provisions of the law and the Constitution which were the predicate for judicial intervention. Thus, the Board contends it has achieved unitary status as to all aspects of the Tuscaloosa City School System and is entitled as a matter of law to the dismissal of this case; to the dissolution and vacation of all prior orders, injunctions and decrees; and to the return of control over all aspects of the Tuscaloosa City School System.

Consequently, private Plaintiffs and the Board have negotiated a separate Agreement that contemplates the submission to the Court of this Joint Stipulation and Motion for Approval and Entry of Order of Dismissal, and that after a hearing on same, that the Court enter an order dismissing this case. However, private Plaintiffs and the Board agree and stipulate that this Agreement, which is neither attached to this Joint Stipulation and Motion for Approval and Entry of Order of Dismissal nor incorporated herein by reference, shall not be enforceable by this Court in this action or any other future action between, among or by the parties.

All parties stipulate that the proposed Order of Dismissal contains nothing unconstitutional or illegal that would prevent the Court from approving and entering an order dismissing this case in accordance with Rule 23(e) of the Federal Rules of Civil Procedure. Counsel for the parties stipulate and agree that the proposed Order of Dismissal proposes a fair, adequate and reasonable resolution of this case; that it has been negotiated in good faith and at arm's-length by experienced

and competent counsel; that there has been sufficient discovery to enable counsel to act intelligently; and that it embodies the shared and continuing good faith commitment of all parties to ensure that all students, regardless of race, of the Tuscaloosa City School System have equal educational opportunities.

Therefore, the parties move the Court to approve and enter the following proposed Order of Dismissal dismissing this class action in accordance with FED. R. CIV. P. 23(e):

A. The parties hereby stipulate and the Court hereby finds that the Board has fully and satisfactorily complied with the extant desegregation orders in this case for a reasonable period of time; that the Board has eliminated the vestiges of past *de jure* discrimination to the extent practicable with regard to all of the areas identified in *Green v. County School Bd. of New Kent Co., Va.*, 391 U.S. 430 (1968)--student assignment, faculty assignment, staff assignment, facilities, transportation and extracurricular activities--and all aspects of quality of education other than those specifically enumerated below; and that the Board has demonstrated a good faith commitment to the whole of the desegregation orders entered in this case and to those provisions of law and the Constitution which were the predicate for judicial intervention. The Board has further demonstrated its good faith commitment to future operation of the school system in accordance with federal law and the Constitution as evidenced by the Board's policies and resolutions. Therefore, the Court declares that the Tuscaloosa City School System has achieved unitary status with respect to all of the areas identified in *Green v. County School Bd. of New Kent Co., Va.*, 391 U.S. 430 (1968) and all aspects of quality of education other than those specifically enumerated below. Accordingly, plenary control over the Tuscaloosa City School System in these areas is hereby immediately returned to the local governing body, the Tuscaloosa City Board of Education.

B. All prior orders, decrees and injunctions entered in this case are hereby VACATED and DISSOLVED. The Court retains jurisdiction only as to those specified aspects of quality of education which are enumerated and more fully described below. “

C. Quality of Education

1. Special Education

The parties agree and stipulate that the Tuscaloosa City School System has adopted and already begun implementation of the “Action Plan to Ensure Race Neutral Practices in Regular and Special Education,” attached hereto as Exhibit “A.” The parties further agree and stipulate that by commencement of implementation of this plan, the school system will have achieved unitary status in the area of special education and will have complied fully with the provisions of this Order of Dismissal as to special education.

2. Gifted and Talented Program

The parties agree and stipulate that the Tuscaloosa City School System will implement the revised policies, procedures, and rules regarding the identification of gifted and talented students, in substantially the form as set forth in Exhibit “B” attached hereto, to be adopted by the Alabama State Department of Education. The parties further agree and stipulate that by commencement of implementation of these policies, procedures, and rules the school system will have achieved unitary status in the area of gifted and talented program and will have complied fully with the provisions of this Order of Dismissal as to gifted and talented program.

3. Remaining Areas of Quality of Education

The parties stipulate and agree that any disproportionate representation of African-American students which might be found in the areas of quality of education set forth below does not by itself indicate any discriminatory intent, policy or practice on the part of the Board. The parties further

stipulate and agree that disproportionate representation of African-American students in the areas of quality of education set forth below is a problem common to both school systems under court desegregation orders and those which are not. Nevertheless, in accord with its continuing commitment to ensuring that all students, regardless of race, have equal access to educational programs and activities, the Board has agreed to review the following remaining areas of quality of education: (a) honors or advanced placement classes and intra-school student assignment, (b) advanced diplomas, (c) student discipline and (d) dropout and retention rates, and if necessary, formulate and adopt a plan of action concerning these areas and commence implementation of the process called for in that plan of action. The parties stipulate and agree that the Board has agreed to undertake the following reviews as part of a good faith compromise with the private Plaintiffs and that by reviewing these areas, there shall be no inference, implication, or presumption that the Board has acted with a discriminatory intent in such areas.

a. Honors or Advanced Placement Classes and Intra-school Student Assignment

All students will have equal access to educational opportunities and academic programs.

During the 1998-99 school year, the Tuscaloosa City School System will continue to review the student enrollments of secondary honors or advanced placement classes to determine whether African-American students are disproportionately represented in such classes.

The Tuscaloosa City School System, during the 1998-99 school year, will also continue to review the placement of elementary school students, kindergarten through fifth, in the core subjects of math and language arts based upon continuous progress in skill mastery to determine whether African-American students are disproportionately represented in the various skill levels.

b. Advanced Diplomas

During the 1998-99 school year, the Tuscaloosa City School System will continue to review the number of graduates to determine whether African-American students are disproportionately receiving an advanced diploma.

c. Student Discipline

The school system will continue to impose student discipline in a consistent, uniform and nondiscriminatory manner in accordance with the Code of Student Conduct.

During the 1998-99 school year, the Tuscaloosa City School System will continue to review the number of students referred for disciplinary action to determine whether African-American students are being disproportionately disciplined.

As part of this review, the school system will gather statistical data concerning discipline. This data will be kept at the central office and be made available to private Plaintiffs and the United States upon request. The information will consist of the race of the referring employee, the race of the student, the race of the disciplinarian, the infraction for which the referral is made, and the discipline received by the student.

The school district will continue to provide classroom management, cultural sensitivity and other training for all faculty, administrators, and other staff who deal with students and who may report disciplinary infractions and/or administer discipline to ensure that discipline is imposed consistently, uniformly and in a nondiscriminatory manner.

d. Dropout and Retention Rates

During the 1998-99 school year, the Tuscaloosa City School System will continue to review the incidence of dropout and retention of students to determine whether the dropout and retention rates of African-American students are disproportionate.

D. In conducting the reviews provided for under Paragraphs a. through d., above, the school system will enlist the assistance and advice of representatives or staff of the Southeastern Equity Center to determine whether a plan of action is necessary in the above areas. Any findings, opinions, reports and/or recommendations of the Southeastern Equity Center will be made available to private Plaintiffs and the United States. Private Plaintiffs and the United States will be given the opportunity to participate in any discussions with the Southeastern Equity Center and to express their concerns, comments and/or opinions during the review process.

All parties will also have the opportunity to express their concerns, comments and/or opinions in the formulation and development of the plan of action that may be recommended by the Southeastern Equity Center as a result of the review process. Upon the formulation and development of the plan of action by the Board after its consultation with the Southeastern Equity Center, the private Plaintiffs and the United States will have a period of ten (10) days in which they may make known any objection to the plan of action. In the event the parties are unable to resolve any objection with respect to the plan of action, then such objection shall be made by the objecting party and heard and ruled upon by the Court as set forth below.

If the plan of action calls for the formation of an advisory committee, then at the time of selection, the Board will give consideration to all persons who have been suggested by private Plaintiffs as potential members of such committee.

Accordingly, the parties agree and stipulate that the Court's jurisdiction in this action shall be retained only for a period not to exceed one hundred eighty (180) days after entry of the Order of Dismissal (the "Exit Period"), provided that the Board has adopted the plan of action formulated and developed in consultation with the Southeastern Equity Center and agreed to by the parties or approved by the Court, as the case may be, and commenced implementation of the process called

for in that plan of action. Upon adoption of the plan of action and commencement of implementation of the process called for in that plan of action, the Tuscaloosa City School System shall then be deemed to have fully complied with the provisions of this Joint Stipulation and the Order of Dismissal and declared as having achieved unitary status in those remaining areas of quality of education specifically enumerated above; this Court's jurisdiction shall be withdrawn and terminated; and this case shall be DISMISSED WITH PREJUDICE as to the Board; provided that no party objects to dismissal of this case within the Exit Period. If a party objects within the Exit Period, that party shall file an appropriate motion with the Court setting forth the specific grounds of the objection. Such motions shall be limited to addressing the sole issue of whether the Board has complied with the provisions of this Joint Stipulation and the Order of Dismissal. A hearing upon the merits of such motion shall be held by the Court, and the Court shall retain jurisdiction only until such time as such motion is finally adjudicated or resolved by the parties.

Private Plaintiffs and the United States stipulate and agree that the Board shall not be responsible, nor shall it have any obligation to pay any attorney's fees or costs or expenses of litigation incurred or claimed by the private Plaintiffs and/or the United States. Therefore, private Plaintiffs and United States waive any and all claims for attorney's fees and/or costs or expenses of litigation against Defendant.

In accordance with Rule 23(e) of the Federal Rules of Civil Procedure, notice of this proposed Order of Dismissal will be given to private Plaintiffs in such manner as the Court directs and a hearing will be held on the approval or rejection of this proposed Order of Dismissal.

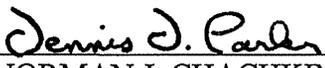
Upon approval and entry of the Order of Dismissal, the provisions therein shall be self-executing, and no additional order by the Court shall be required to be entered beyond the Order of

Dismissal upon expiration of the Exit Period in order to effectuate the declaration and adjudication of unitary status and the dismissal of this case.

The assent of the parties to this Joint Stipulation and Motion for Approval and Entry of Order of Dismissal is indicated by the signatures of their respective counsel below:

ATTORNEY FOR PLAINTIFFS

ELAINE R. JONES
Director-Counsel



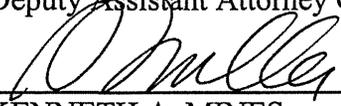
NORMAN J. CHACHKIN
DENNIS D. PARKER
NAACP Legal Defense and Educational Fund, Inc.
99 Hudson Street, Suite 1600
New York, NY 10013

SOLOMON S. SEAY, JR.
524 S. Union Street
Montgomery, AL 36104

ATTORNEYS FOR PLAINTIFF-INTERVENOR
AND AMICUS CURIAE

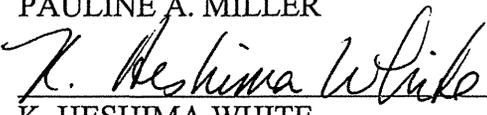
DOUGLAS JONES
United States Attorney

THOMAS E. PEREZ
Deputy Assistant Attorney General



KENNETH A. MINES

JOHN R. MOORE
PAULINE A. MILLER



K. HESHIMA WHITE
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Litigation Section
P.O. Box 65958
Washington, DC 20035--5958

[SIGNATURES CONTINUED ON NEXT PAGE]

ATTORNEY FOR DEFENDANT



J. RUSSELL GIBSON, III
Phelps, Jenkins, Gibson & Fowler, L.L.P.
1201 Greensboro Avenue
Tuscaloosa, AL 35401

TUSCALOOSA CITY BOARD OF EDUCATION



ROBERT W. MONFORE
Chairman

F:\ws9\cp\unitary\consentorder8.rev.wpd