

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2007 NOV -7 PM 1:57

CLERK R. West  
SO. DIST. OF GA.

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCREVEN COUNTY

BOARD OF EDUCATION, et al.,

Defendant.

CIVIL ACTION  
No. 2293

**AGREED ORDER OF UNITARY STATUS AND DISMISSAL**

In January 2007, the United States initiated a review of the Screven County School District (SCSD). Based on a review of the information and data provided by SCSD, the United States advised that, in its view, SCSD has fulfilled its affirmative desegregation obligations under the Fourteenth Amendment and applicable federal law, entitling it 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 and terminate jurisdiction over this case.

**I. Procedural History.**

This school desegregation case was brought by the United States on February 12, 1968, in the Southern District of Georgia against the Screven County Board of Education, alleging that SCSD's schools were racially segregated contrary to federal law. Court orders mandating that SCSD desegregate its system were entered on December 28, 1968, July 11, 1969, June 29, 1970

and July 28, 1970. A Consent Order between the parties was approved by the court on May 29, 1975.

Little litigation between the parties has occurred since that time and, in January 2007, the United States initiated a review of SCSD. As a result of the review, the parties have approached the Court and asked it to approve this Agreed Order of Unitary Status and Dismissal.

## **II. Stipulated facts.**

### **A. Student assignment.**

During the 2006-07 school year, SCSD enrolled 2,890 students in three schools: an elementary school, a middle school, and a high school. Overall, the student population was 54% African-American, 45% white, and 1% other. The District's schools, the grades they serve, and their 2006-07 student enrollments are set forth below.

School:	black students	white students	other students	total
Screven Co. Elementary	695 (54%)	570 (44%)	20 (2%)	1285
Screven Co. Middle	360 (55%)	289 (44%)	5 (1%)	654
Screven Co. High	514 (54%)	429 (45%)	8 (1%)	951
<b>Total</b>	<b>1569 (54%)</b>	<b>1288 (45%)</b>	<b>33 (1%)</b>	<b>2890</b>

### **B. Faculty and Staff**

No SCSD school is racially identifiable on the basis of teacher or staff assignment. For the 2006-07 school year, SCSD employed approximately 207 full-time faculty. Overall, 9% of the faculty and staff were African-American and 91% were white. The District employed approximately 166 noncertified staff members. Seventy-eight (47%) were African-American and 88 (53%) were white. These percentages were consistent at all three District schools.

C. Facilities.

There are only three schools in the District, an elementary school, a middle school, and a high school, and these schools serve all students in the same grade at the same facility. There are no racially identifiable schools in the District.

D. Extracurricular Activities.

Information provided by SCSD shows that nearly all extracurricular activities in the middle school and high school were well-integrated. It appears that all students are given an equal opportunity to participate in sports activities, student government, and extracurricular activities, and that minority students have excelled in these activities, which are important indicia of participation in the fabric of school life.

III. Legal Standards.

The goal of a school desegregation case is to convert promptly from 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). As established by the Supreme Court, the standard for determining whether a school district has achieved unitary status, and merits the 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).

The Supreme Court has identified six areas 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. Commonly known as “*Green* factors,” those six areas are: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green*, 391 U.S. at 435 (1968). See *Dowell*, 498 U.S. at 250; *Belk*, 269 F.3d at 319. 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.

Based on the information and data provided by SCSD, and on all the surrounding facts, SCSD 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 in the areas of student assignment, faculty, staff, transportation, facilities, and extracurricular activities, which are “among the most important indicia of a segregated system.” *Dowell*, 498 U.S. at 250 (citations omitted).

#### **IV. Conclusion.**

The Court concludes that the Screven County School District has met the legal standards for a declaration of unitary status, and that it is entitled to dismissal of this action.



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

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Clerk

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