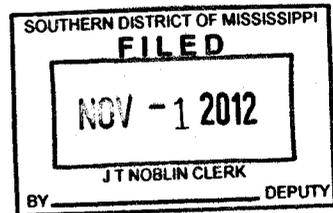


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

KENNETH W. ADAMS, et al.)
)
 Plaintiffs,)
)
 v.)
)
 RANKIN COUNTY)
 BOARD OF EDUCATION, et al.)
)
 Defendants.)
 _____)

CIVIL ACTION No. 3:67-cv-04156-TSL-MTP



CONSENT ORDER FOR ENLARGEMENT OF PEARL ATTENDANCE ZONE

This Consent Order arises out of the good faith efforts of the Private Plaintiffs, Plaintiff-Amicus the United States, and Defendant School Districts, Pearl Public School District (“PPSD”) and Rankin County School District (“RCSD”), (collectively, the “Parties”) to address and resolve PPCSD’s and RCSD’s ongoing dispute regarding student attendance zone boundaries.

BACKGROUND

On September 26, 1967, this Court ordered RCSD to take proactive steps to disestablish all school segregation and to eliminate the effects of its dual school system. See September 26, 1967 Order. On April 6, 1970, the Court entered an Opinion and Order Providing for Unitary School System (the “1970 Order”) which, among other things, created five school zones and sub-zones within RCSD. See 1970 Order. One of those zones was the Pearl-Brandon School Attendance Zone, which was divided into two attendance areas: the Pearl School Attendance

Area and the Brandon School Attendance Area. *Id.* at 7-10. On June 28, 1973, the City of Pearl was chartered and incorporated as a municipality, however, the Pearl School Attendance Area was maintained as a school zone within the RCSD. This Court, on November 27, 1973, entered a Consent Order (the “1973 Order”) requiring, in pertinent part, modifications to the attendance zones of the RCSD, which included the Pearl School Attendance Area. *See* 1973 Order. Some two and half years later, on May 18, 1976, the City of Pearl enacted an ordinance establishing the Pearl Municipal Separate School District. On May 31, 1976, the City of Pearl and Rankin County reached an agreement to incorporate the Pearl School Attendance Area into the Pearl Municipal Separate School District. *See* May 31, 1976 Municipal Order.

On August 21, 1978, this Court entered a Consent Order (the “1978 Order”) that, among other things, modified the attendance zones, and provided for the construction of a new school to alleviate some of the overcrowding in the Pearl and Brandon Attendance Zones. The 1978 Order supplemented the 1970 and 1973 Orders, and all matters not inconsistent with the 1970 and 1973 Orders remained in full force and effect. *Id.* at 5. Of particular importance herein, this Court stated that the 1978 Order “applies to the Rankin County Public Schools as they existed prior to the incorporation of the City of Pearl and the formation of the Pearl Municipal Separate School District, and it, therefore, applies with equal force to administrators, faculty and students of what is now known as the Pearl Municipal Separate School District.” *Id.*

On March 23, 1995, PPSD successfully filed a motion to intervene as a separate defendant in the instant matter. PPSD objected to the attendance zone boundaries of the Pearl Attendance Zone, because those boundaries required PPSD to educate children residing outside its geographical boundaries. *See* March 23, 1995 Complaint-in-Intervention. The Court granted

PPSD's motion to intervene on December 7, 1995. *See* December 7, 1995 Memorandum Opinion and Order at 6.

On May 1, 1997, this Court entered an Order amending the Pearl Attendance Zone, specifically removing the Taylorsville area from the Pearl Attendance Zone and requiring students to be transferred from the PPSD to the RCSD over a period of several years. *See* May 1, 1997 Consent Order (the "1997 Order"). The 1997 Order resulted in the reconstitution of the Pearl Attendance Zone to exclude the Taylorsville area, which became a part of the RCSD. *Id.* at 2. The Court also stated that the student assignment plans approved by the Court remained in full force and effect. *Id.* at 4.

Since 1999, the City of Pearl has made four annexations of previously unincorporated areas of Rankin County (the "Annexed Areas"). These annexations are as follows:

- In 1999, the City of Pearl annexed approximately 2,785.6 acres, or 4.4 sq. miles, south of Interstate Highway 20. This annexation included [the northernmost] area of Patrick Farms which now comprises much of the southeast area of the City of Pearl, as well as a small area in southwestern Pearl. *See In Matter of Enlargement of Corporate Limits of Pearl*, Chancery Court of Rankin County, Consolidated Docket Nos. 44,387, 44,432, and 44,470, and Final Decree entered December 21, 1999.
- In 2005, the City of Pearl annexed an area of approximately 1,369.8 acres, or 2.1 sq. miles, to the north of El Dorado Road and east of the Jackson International Airport. *See Poole v. City of Pearl*, 908 So.2d 728 (Miss. 2005), affirming *In Matter of Enlargement of Corporate Limits of Pearl*, Chancery Court of Rankin County, Docket No. 48,339, and Final Decree entered November 27, 2002.

- In 2008, the City of Pearl annexed approximately 112.1 acres, or 0.2 sq. miles, north of the area annexed in 2005. *See In Matter of Enlargement of Corporate Limits of Pearl*, Chancery Court of Rankin County, Docket No. 63,876, and Final Judgments entered September 18, 2008 and October 1, 2008.
- In 2011, the City of Pearl annexed approximately 1,145.8 acres, or 1.8 sq. miles, comprising the remainder of Patrick Farms and two additional areas to the south. *See In Matter of Enlargement of Corporate Limits of Pearl*, Chancery Court of Rankin County, Docket No. 69,554, and Final Decree entered January 27, 2011.

The Annexed Areas were not within the original corporate boundaries of the City of Pearl or the Pearl Attendance Zone, but were a part of the RCSD. A map, graphically depicting each of these annexations, together with the present corporate limits of the City of Pearl, Mississippi, is attached as Exhibit A and incorporated by reference herein.

STUDENT ENROLLMENT

It is estimated that 621 students presently live in the Annexed Areas and would be affected by the modification to the Pearl Attendance Zone agreed to in this Consent Order. Of these students, approximately 427 (68.8%) are White; 144 (23.2%) are African-American; 31 (5%) are Hispanic; and 19 (3%) are Other. Under the terms of this Consent Order, the students residing in the Annexed Areas would be rezoned to attend the PPSD and those residents living in the Annexed Areas would be provided with a one-time election to remain in an RCSD school, *see infra*.

As of September 30, 2012, there were approximately 3,954 students enrolled in the Pearl Public School District (“PPSD”); overall student enrollment in the district was 2,313 (58.5%)

White; 1,335 (33.8%) African-American; 258 (6.5%) Hispanic; and 48 (1.2%) Other. The Parties anticipate that this modification of the Pearl Attendance Zone will result in approximately 95 of those students currently residing in the Annexed Areas electing to enroll in the PPSD.¹ Of these 95 students, approximately 79 (83.1%) are White; 12 (12.6%) are African-American; 1 (1.1%) is Hispanic; and 3 (3.2%) are Other. In the event that all of the students in the Annexed Areas elected to enroll in the PPSD, the overall student enrollment in the district would grow to 4,480 students, or 2,661 (59.4%) White; 1,467 (32.7%) African-American; 288 (6.4%) Hispanic, and 64 (1.5%) Other. This growth would represent an 11.7% increase in the overall student population, however, the racial composition of the student body within the PPSD would remain relatively unchanged.

As of October 11, 2012, there were approximately 19,440 students enrolled in the Rankin County School District ("RCSD"); overall student enrollment in the district was 14,337 (73.8%) White; 4,361 (22.4%) African-American; 436 (2.2%) Hispanic; and 306 (1.6%) Other. Likewise, the Parties anticipate that this modification of the Pearl Attendance Zone will result in approximately 526 of those students currently residing in the Annexed Areas electing to enroll in the RCSD.² Of these 526 students, approximately 348 (66.2%) are White; 132 (25.1%) are African-American; 30 (5.7%) are Hispanic; and 16 (3%) are Other. In the event that all of the students in the Annexed Areas elected to enroll in the RCSD, the overall student enrollment in the district would grow to 19,535 students, or 14,416 (73.8%) White; 4,373 (22.4%) African-American; 437 (2.2%) Hispanic; and 309 (1.6%) Other. This growth would represent a 0.5%

¹ This number (95) was based on those students in the Annexed Areas who are currently attending the PPSD, and are currently included in PPSD's overall student enrollment, electing to continue their education within the PPSD.

² This number (526) was based on those students in the Annexed Areas who are currently attending the RCSD, and are currently included in RCSD's overall student enrollment, electing to continue their education within the RCSD.

increase in the overall student population, however, the racial composition of the student body within the RCSD would remain unchanged.

As such, the modification of the attendance zones, as set forth in this Consent Decree, would have a minimal effect on the racial composition of students in both the PPSD and RCSD and thus does not violate the extant Orders of this Court. Therefore, the Parties have agreed to modify these Court Orders to enlarge the Pearl Attendance Zone so as to include the Annexed Areas. The Parties have also agreed to provide residents living in the Annexed Areas on a fixed date (July 31, 2013) with a one-time election to remain in the RCSD, *see infra*.

As indicated by the signatures of counsel below, the Parties respectfully request that the Court approve this Consent Order. The Court, having reviewed the terms of this Consent Order, finds that it is consistent with the Fourteenth Amendment to the United States Constitution and will not negatively affect the racial composition of students in each district's school attendance zones. This Consent Order supplements and extends all provisions of the previous Orders.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED as follows:

1. From and after the date this Consent Order is entered, the boundaries of the Pearl Attendance Zone shall be, and hereby are, adjusted so that those boundaries include the Annexed Areas and are now coterminous with the present corporate limits of the City of Pearl. A map of the newly revised Pearl Attendance Zone is attached as Exhibit B and incorporated herein by reference. A written metes and bounds description of the newly revised PPSD student attendance zone boundaries is attached as Exhibit C and incorporated herein by reference.
2. All children residing in the Annexed Areas shall now attend the schools in the Pearl Attendance Zone within the PPSD, subject to the exceptions set forth below.

3. All residents who live in the Annexed Areas have a one-time option to select RCSD as their school district. This means that all residents in the Annexed Areas, regardless of their present familial status, may choose to have their present and future children attend school in an attendance zone within the RCSD. This is a one-time option and shall expire at midnight on July 31, 2013. Also, once such an election is made, that election may not be changed without the consent of both RCSD and PPSD.

4. RCSD and PPSD will provide timely notice, with detailed particulars, of this Order to all residents living in the Annexed Areas, translated in the major languages spoken by residents living in Rankin County. The notice will include, *inter alia*, an explanation of the terms of this Consent Order (and a copy of the Consent Order), a detailed description of the Annexed Areas, and relevant information explaining how and when such election should be made. This notice will be published at least three times in a newspaper of general circulation, to include publication during the month of July 2013. Also, each published notice shall be advertised for three consecutive weeks. In addition, this notice will be mailed, by first class mail, postage prepaid, to all households in the Annexed Areas and posted within those town halls/county and city buildings/school buildings/real estate companies serving the Annexed Areas. PPSD and RCSD shall share the cost of such advertisements and mailings equally. The PPSD and RCSD shall satisfy all requisite state and federal law requirements, so that such children may attend RCSD schools or PPSD schools, as the residents in the Annexed Areas may timely elect.

5. The two Defendant school districts have agreed, with respect to ad valorem taxes assessed upon and collected for taxable real and personal property within the annexation areas, that Rankin County shall continue to assess and collect ad valorem taxes. For those students

from the Annexed Areas attending a PPSD school, RCSD shall pay a per student amount to PPSD for such students using the formula set out in the June 19, 1979 Agreed Order Modifying Agreed Order, in *P.D. Strong, et. al, vs Pearl Municipal Separate School District, et. al.*, Cause No. 14,891, and in relevant part, incorporated by reference.

6. This Order does not modify (i) the voting rights of any qualified electors residing in the PPSD or RCSD, or (ii) the electoral districts of either the PPSD or RCSD as constituted pursuant to Miss. Code Ann. §37-5-3 (1972).

7. The Court finds and determines that the provisions of the Consent Order will have a minimal effect on the racial composition of students in RCSD and/or the PPSD. Consistent with Green v. New Kent Cnty. Bd. of Educ., 391 U.S. 430, 88 S.Ct. 1689, 20 L.Ed.2d 716 (1968), the racial composition of each school within the Rankin County School District shall reflect the racial composition of the Rankin County School District as a whole. The percentage of African-American students at each school within RCSD shall be within twenty percent above or twenty percent below the overall percentage of African-American students attending RCSD schools. The percentage of White students at each school within RCSD shall be within twenty percent above or twenty percent below the overall percentage of White students attending RCSD schools. Likewise, the racial composition of the individual schools within Pearl Public School District shall reflect the racial composition of the Pearl Public School District as a whole. The percentage of African-American students at each school within PPSD shall be within twenty percent above or twenty percent below overall percentage of African-American students attending PPSD schools. The percentage of White students at each school within PPSD shall be within twenty percent above or twenty percent below the overall percentage of White students

attending PPSD schools.

8. Non-litigation provision: Upon entry of this Consent Order, neither PPSD or RCSD shall initiate or commence any civil action, motion or other proceeding in state or federal court that interferes with, varies or contradicts the terms, conditions and provisions of said Order and the settlement agreement embodied herein. This non-litigation provision (1) applies only to PPSD and RCSD, (2) shall terminate upon either school district successfully gaining unitary status, or twelve years from the date of this consent decree, whichever is sooner, and (3) does not apply to the U.S. Department of Justice or in any way limit its authority or discretion to initiate any proceeding or commence any civil action deemed necessary or appropriate to enforce any provision of this Consent Order, any Order previously entered by this Court, or any other provision of law applicable to desegregation proceedings.

9. Except as modified herein, all orders heretofore entered in this matter shall remain in full force and effect according to their tenor.

This Court retains jurisdiction over this civil action and the parties hereto for all purposes, including making and entering such further orders as may be appropriate.

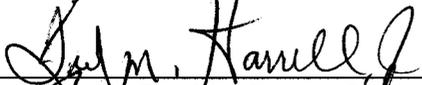
SO ORDERED ADJUDGED AND DECREED, this 1st day of November 2012.



UNITED STATES DISTRICT JUDGE

**AGREED TO AND APPROVED AS TO
FORM AND SUBSTANCE:**

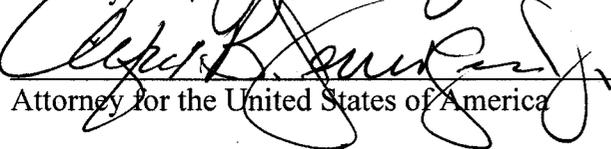
Attorney for Plaintiffs



Attorney for Rankin County School District



Attorney for Pearl Public School District



Attorney for the United States of America