

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

BRENDA K. MONROE, et al,  
Plaintiff,

vs.

COUNTY BOARD OF EDUCATION OF  
MADISON COUNTY, TENNESSEE,  
et al,

Defendants.

X

X

NO. 1327 - Civil

X

X

O R D E R



This cause was heard on the 16th day of January, 1970, before the Honorable Robert M. McRae, Jr., United States District Judge, sitting without a jury, upon the entire record and especially upon the revised school desegregation plan filed by the defendant County Board of Education of Madison County, Tennessee, pursuant to order of this Court filed December 16, 1969, the objections filed thereto by the plaintiffs, the desegregation plan filed by the Office of Education of the Department of Health, Education and Welfare for Madison County School District pursuant to said order of this Court, the statement of objections thereto by counsel for plaintiffs, and upon the evidence introduced and the arguments of counsel heard in open court, from all of which the Court finds, holds, orders, adjudges, decrees and enjoins as follows:

1. Said revised desegregation plan filed by the Madison County Board of Education is approved with the following exceptions:

(a) The school zone lines and the schools therein, including the schools to be closed, are approved with the alterations recommended by the HEW plan and with the further requirement that all areas within the corporate limits of the City of Jackson, Tennessee, except that portion south of the South Fork of the Forked Deer River which was approved by the Court last year, shall be eliminated from the Madison County school attendance zones.

(b) The Court adopts the plan for faculty desegregation contained in Chapter III of the HEW plan, commencing with the School Year 1970-71. There shall be added thereto a provisions which makes it applicable to the hiring and recruiting practices of the defendant Board of Education as an aid to maintaining the approximate ratio of teachers according to race as it exists at the present time.

(c) The transportation plan as set forth in Chapter IV of the HEW plan is adopted with the additional provision that pupils will be transported who live at least three- fourths ( $3/4$ ) of a mile from the school of attendance.

(d) The Court approves the school construction and site selection plan set forth in paragraph 21 of the plan proposed by the defendant Board of Education.

(e) The defendant, Board of Education, will make a report to this Court October 1st of each year indicating the number of pupils in each school in each grade by race and, in the same report, indicating faculty assign-



ments in each school by grade and by race. The same report will include which faculty members have been hired for that year and shall include the race and certification of faculty members hired.

(f) The defendant, Board of Education, will prepare and maintain a pupil locator map which shall be available for any interested party at the Office of the Board of Education. If possible, it shall be made portable so that it could be brought to Court when necessary. Also, if possible, it shall be made so that it could be duplicated by photostat or photo reproduction.

(g) Effective at the commencement of the 1970-71 school year, the Court adopts Chapter VII of the HEW plan entitled "Attendance Outside System of Residence" excluding however from its provisions the entire City of Jackson, except for said area south of the South Fork of the Forked Deer River and, further, except a student who resides in the Jackson corporate limits may accompany his parent to a Madison County System school if the parent is a teacher or other full time employee at a Madison County school. Students from Jackson who live south of the South Fork of the Forked Deer River and are permitted to attend schools of the Madison County School System shall be assigned, regardless of race, to the schools which are closest to their place of residence. The right of all students who reside in Jackson to attend schools in the Madison County School

System shall be subject to the prior right of students residing within Madison County, outside the city limits of Jackson, to attend such schools.

(h) The transfer provision based on overcrowding as contained in paragraph 16 of the Board of Education plan is approved only for the remainder of the 1969-70 school year. Thereafter, said provisions is unnecessary and is disapproved.

(i) The permanent transfer provision contained in paragraph 18 of the Board of Education plan is approved in part and disapproved in part as follows: subparagraphs (a) and (d) are permanently approved; subparagraph (c) is disapproved; subparagraph (b) is approved for the remainder of the 1969-70 school year where necessary to protect a student's course of study but thereafter is unnecessary and is disapproved. The provision in paragraph 18 restricting transfers after October 1 is eliminated.

(j) For the remainder of the 1969-70 school year the transfer reports provided in paragraph 22A of the Board of Education plan will be permitted, <sup>are</sup> but/not necessary or required in future years.

(k) The majority to minority transfer policy in Chapter VI of the HEW plan is adopted for the remainder of the 1969-70 school year.

(l) Notwithstanding any other provisions hereinabove, any pupils who are living in the City of Jackson and are presently attending schools in the Madison County School System may continue to do so for the remainder of the 1969-70 school year.



2. The Board is ordered to put into effect the desegregation plan as approved hereinabove for the remainder of the 1969-70 school year at once but not later than six weeks from and after the beginning of the second semester of said school year on January 19, 1970.

3. For the remainder of the 1969-70 school year only, the faculty desegregation plan approved above will follow such changes as the Board makes in implementing the plan at once, but no specific ratio will be required or prohibited.

4. As a temporary measure in its school construction plan, the Board is ordered not to sell any of its school buildings, including those proposed to be closed, during the remainder of the 1969-70 school year without prior approval of the Court. This restriction applies only to school buildings and real estate.

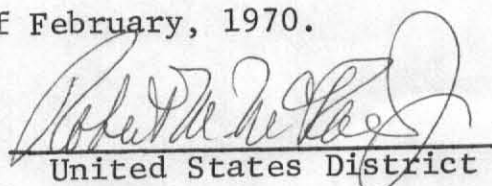
5. The application of counsel for plaintiff for attorneys fees is reserved.

6. To the extent that the desegregation plan filed by the defendants does not conform to the modifications specified in this order said plan is disapproved, and all objections to said plan which are not hereinabove sustained or denied, either expressly or by necessary implication, are generally denied.

7. The ruling of the Court rendered in open court on January 16, 1970, is hereby ORDERED filed at defendants' expense and will constitute the Findings of Fact and Conclusions of Law required by Rule 52(a) of the Federal Rules of Civil Procedure.

8. The Court retains jurisdiction of this cause for the entry of all future orders as may be necessary and proper.

ENTER: This 12th day of February, 1970.



United States District Judge