



**U.S. Department of Justice  
Civil Rights Division  
Educational Opportunities Section**

JG:AIB:KDR:ar  
DJ 169-72-3

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April 24, 2008

BY U.S. Mail and Facsimile  
Superintendent Myles Wilson  
Fayette County School District  
P. O. Box 9  
Somerville, TN 38068  
Facsimile (901) 466-3725

Thomas Minor  
Minor & Johnston PC  
124 E. Market Street  
Somerville, TN 38068  
Facsimile (901) 465-4465

**Re: McFerren & United States v. County Board of Education of Fayette County,**  
C.A. 65-136

Dear Messrs. Wilson and Minor:

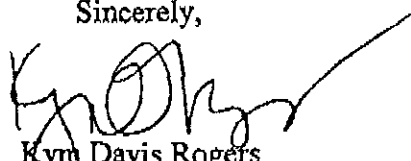
Thank you for your response to our request for additional information. In our letter of January 28, 2008, we raised the issue of student assignment, specifically the racial identifiability of the elementary schools, and noted that the district missed a recent opportunity to further desegregate the student populations at Oakland, Southwest, and Northwest in the spring of 2007 when the district addressed overcrowding at Oakland Elementary by moving the fifth and sixth grades to West Junior High instead of utilizing the available space at the neighboring elementary schools of Southwest and Northwest. Not only did this fail to further desegregation at the elementary school level, it had a negative impact on the racial make-up of the district's two junior highs. In your February letter, the district acknowledged the racial identifiability of the elementary schools, and stated that while the school board had initially decided to redraw the zone lines to send students from Oakland to Northwest and Southwest, the board reversed course when parents from Oakland protested the decision. Our understanding from Mr. Wilson is that the district has not yet decided what, if any, changes will be made to the current enrollment plans for the 2008-09 school year, but that the district is considering returning the fifth and sixth grade students to the elementary schools and redrawing the attendance zones of Oakland, Northwest, and Southwest, as originally contemplated by the board. We request that the district notify us of its plans as soon as possible, and no later than May 15, 2008, so that the United States may determine what action to take.

Additionally, we request that the district provide transfer data for the 2007-08 school year. This information was provided for previous school years, but not the current year. Specifically we request the district to provide complete information on the number of students who have requested within-district transfers, indicating for each such request: the student's grade level, race or ethnic group, sending school (school which student is zoned to attend), receiving school (school to which transfer was sought), reason for the request, whether the transfer was granted or denied by the district, and the reason for granting or denying the transfer. To make the task easier, the United States is only concerned with requests by students to attend a school other than the one they are zoned to attend based upon their home address, *i.e.*, transfers requested under the Board of Education's Policy 6.206. We do not wish to receive information for students who have moved to a new attendance zone or have chosen to attend private schools. If there are no transfers, please state that no transfers were approved.

Finally, we recommend that the parties enter into a consent decree to formalize the district's commitment to addressing faculty and staff assignment issues and to publicizing the availability of majority-to-minority transfers. I will draft a consent decree and forward for your review.

If any questions arise, I can be reached at (202) 353-3504. Thank you for your cooperation and assistance.

Sincerely,



Kym Davis Rogers  
Trial Attorney