

**The Court Ordered Desegregation Plan**

(Source: Superintendent of Schools, 01/16/07)

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

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JOHN McFERREN, JR., et al,	)	
Plaintiffs	)	
and	)	
UNITED STATES OF AMERICA	)	
by RAMSEY CLARK, Attorney General	)	
of the UNITED STATES	)	CIVIL ACTION NO. <u>C-65-136</u>
Plaintiff-Intervenor	)	
VS.	)	
COUNTY BOARD OF EDUCATION OF	)	
FAYETTE COUNTY, TENNESSEE, et al,	)	
Defendants	)	

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REVISED PLAN OF DESEGREGATION FOR THE YEAR 1969-70  
OF COUNTY BOARD OF EDUCATION OF FAYETTE COUNTY,  
TENNESSEE, (INCORPORATING CHANGES SPECIFIED IN  
THE COURT'S MEMORANDUM OPINION  
FILED JUNE 9, 1969)

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The Fayette County Board of Education hereby adopts the following plan of desegregation for the school year 1969-70, incorporating the changes specified in the Court's Memorandum Opinion filed June 9, 1969, plus certain minor additional changes.

## I. DESEGREGATION PLAN

### A. Zones.

The County School System will be divided into the following zones (see attached map).  
[Note: No map was provided by the Superintendent with this document.]

- Zone I.            Braden Elementary School  
                      Braden Sinai Elementary School  
                      Bernard Elementary School
- Zone II.            Oakland Elementary School  
                      Oakland Consolidated Elementary School
- Zone III.          Jefferson Elementary School  
                      Somerville Elementary School
- Zone IV.          LaGrange Consolidated Elementary School  
                      Moscow Elementary School  
                      Springhill Elementary School
- Zone V.            (Entire County)  
                      Fayette County High School  
                      W. P. Ware High School
- Zone VI.          Southwest Elementary School
- Zone VII.         Central Elementary School
- Zone VIII.        Williston Elementary School
- Zone IX.         East Side Elementary School

Garnett School would continue to operate as a special education center for mentally retarded children and all qualified students in the County would have access to this center.

### B. Choice.

1. Each child living within zones I, II, III, IV and V shall be given the choice of attending any school within that zone. Students living in zones VI, VII, VIII and IX must attend the only school in that zone. The choice period will be conducted in the following manner: A choice of school shall be exercised by parent or other adult person serving as the student's parent. A student may exercise his choice if he:

- (a) is exercising a choice for the ninth or a higher grade.
- (b) has reached the age of fifteen years at the time of the exercise of choice.

Such a choice by a student is controlling unless a different choice is exercised for him by his parent or other adult person serving as his parent during the choice period or at such later time if the student exercises a choice. Each reference in this Plan to a student exercising a choice means the exercise of the choice, as appropriate, by a parent or such other adult or by the student himself. At no time shall any official, principal, teacher or employee of the school system be permitted to advise, recommend or otherwise influence any parent or other adult person serving as a parent or any student in the exercise of a choice of favor or penalize any person because of a choice made.

2. All students in zones I - V, both white and Negro, shall be required to exercise a choice of schools annually. The period for exercising choice shall commence as soon as practicable and shall last for twenty days. No student or prospective student who exercises the choice within the choice period shall be given any preference because of the time within the period when such choice was exercised.

3. On the first day of the choice period there shall be distributed by first class mail an explanatory letter and a choice form to the parent or other adult person acting as a parent of each student in zones I – V who is expected to attend school the following school year, together with a return envelope addressed to the Superintendent. The school choice form shall list the names, locations and grades offered at each school which the child may attend. The reasons for any choice made are not to be stated. The form asks for the name, address, age, and race of the student, the school and grade currently or last attended, the school chosen for the following year and the appropriate signature. The names of students and the schools they choose, or are assigned to under the plan will not be made public by school officials. To guide students in making a choice of school, a list will be provided by school of the courses and programs which are not given at every school in this school system.
4. Extra copies of the explanatory letter and choice form shall be freely available to parents of students and the general public at any school and at School Board Offices during regular business hours.
5. At the option of the person completing the choice form, the choice may be returned by mail, in person, or by messenger to any school in the school system or to the Office of the Superintendent.
6. The exercise of choice may also be made by the submission in like manner of any other writing which contains information sufficient to identify the student and indicates that he has made a choice of school in zones I – V.
7. Failure to exercise a choice within the period shall not excuse a student from exercising his choice at any time before he commences school for the year with regard to which the choice applies, but any such late choice must be subordinated to the choices of students who exercise choice before the expiration of the choice period. Any student in zones I – V who has not exercised his choice of school within a week after school opens shall be assigned to the school nearest to his home where space is available. Standards for determining available space shall be applied uniformly throughout the system.
8. A choice of school for any student in zones I – V who will be new to the school system may be made during the specified choice period or at any other time before he enrolls in school. An explanatory letter, the notice to parents and the school choice form will be given out for each new student as soon as the school system knows about the student. A choice must be made for each student in zones I – V. No assignment to any school in zones I – V can be made unless a choice is made first. At least seven days will be allowed for the return of the Choice Form in the case of new students enrolling after the beginning of the school year.
9. The parent, or other adult person acting as parent, of every child in zones I – V entering the first grade is required to choose the school his child will attend. Choices will be made under the same free choice process used for students new to the school system in other grades in zones I – V as provided in the preceding paragraph.

## II. CHANGE OF CHOICE AND TRANSFERS

Students will not be allowed to transfer across zone boundaries and once a choice has been submitted, it may not be changed, provided, however, that transfers across zone boundaries and changes of choice may be allowed in the following cases:

- A. Change of residence of the entire family to another zone.
- B. Necessity to attend Garnett Special Education School.
- C. When all schools in a zone are overcrowded, the students living closest to a school in another zone will be transferred across zone boundaries, without regard to race, to the closest school in the county.
- D. The children of teachers may attend the school at which their parents teach (where the appropriate grade is available).

Students attending school out of the attendance zone of their residence shall be provided transportation.

## III. MAXIMUM LIMITS UPON NUMBER OF STUDENTS ATTENDING EACH SCHOOL

- A. No choices will be denied in assigning students to schools for any reason unless allowing all students who choose a school to attend that school would cause the limit set upon the number of students attending that school to be exceeded. In cases where granting of choices for any school would cause such limits to be exceeded, the students choosing the school who live closest to it will be assigned to that school without regard to race, color, or national origin.
- B. Any student in zones I – V whose choice is denied will be promptly notified in writing and given his choice of any school in the zone serving his grade level where space is available.

Each student in zones I – V and his parent or other adult person acting as parent will be notified in writing of the name and location of the school to which the student is assigned hereunder promptly upon completion of processing his first or any second choice. In the event of denial of choice on the basis of the maximum limits set upon attendance, choices made during the twenty-day choice period will have first priority.

- C. Basically, the student capacity for each elementary school will be established at 30-32 pupils per teaching station and the student capacity for each high school will be 25 per classroom. Maximum limits will be set upon the number of students who may attend each school so that in virtually every formerly "white" school at least 25% of the students will be Negro. [The maximum limits which the Board presently proposes to set upon the number of students attending each school in the county for the 1969-1970 school year are set forth in the chart attached hereto as Exhibit A.]

## IV. TRANSPORTATION

Transportation will be provided to all pupils to the school of their choice without regard to race, color, national origin, or the school previously attended. Students attending school out of their attendance zone shall be provided transportation. Routing and scheduling of transportation will be planned on the basis of such nonracial factors as economy and efficiency.

## V. SERVICES, FACILITIES, ACTIVITIES AND PROGRAMS

No student shall be segregated or discriminated against on account of race, color or national origin in any service, facility, activity or program (including transportation, athletics, or other extra-curricular activity) which may be conducted or sponsored by, or affiliated with, the schools of this school system. A student attending school for the first time on a desegregated basis may not be subjected to any disqualification or waiting period for participating in activities and programs, including athletics, which might otherwise apply because he is a transfer student. Athletic eligibility is subject to the rules and regulations of the State Athletic Association.

## VI. SCHOOL EQUALIZATION

### A. Inferior Schools.

In schools heretofore maintained for Negro students or at any time attended by all or predominantly Negro students the defendants shall take all reasonable steps necessary to provide physical facilities, equipment, classes, teacher-pupil ratios, pupil-classroom ratios and instruction of quality and quantity equal to that provided in schools previously maintained for white students. If for any reason it is not feasible to improve sufficiently any school formerly maintained for Negro students or at any time attended by all or predominantly Negro students, where such improvements would otherwise be required by this sub-paragraph, such schools shall be closed as soon as possible and students enrolled in this school shall be reassigned on the basis of this Plan. In accordance with the continued program of school consolidation and equalization in progress in Fayette County for the last several years the following schools will not be operated during the 1969-70 school year: Canadaville, Fields, Hays Crossing, Kirk, LaGrange, Longtown, Rossville, Mt. Zion, St. Luke, Warren, Parks, and Fayette County Training School.

### B. New Schools.

New Schools, additions or school centers, shall be planned and located in such a manner as to dis-establish previous patterns of segregation.

### C. Remedial Programs.

The defendants shall provide remedial programs which permit students attending or who have previously attended inadequate schools to overcome past inadequacies in their education.

### D. Split Session.

The split session in Fayette County schools for the harvest season has already been abolished.

## VII. FACULTY DESEGREGATION

Commencing with the 1969-70 school year, supervisors, principals, teachers and other faculty personnel shall be employed, promoted and assigned in furtherance of a goal of removing the former racial identity of a school, but no teachers shall be discharged from the system to correct a racial imbalance. Teachers shall be assigned upon the basis of certification and qualification for the academic subjects or grade level to be taught.

In order to facilitate the transition at the respective schools to nonracially identifiable faculties, the Board will seek the assistance of the Educational Opportunities Planning Center at the University of Tennessee, Knoxville, Tennessee, to advise and assist the Board in its implementation of an orderly plan of faculty desegregation.

The Center will be requested to evaluate existing faculty personnel and to make appropriate recommendations in the light thereof, to the end that sound educational policies will be maintained. The Center will also be requested to prescribe and conduct appropriate seminars and programs for all teachers in the system to prepare all faculty personnel for desegregated faculties in the year 1969-70.

After the request to the Center has been made and an initial investigation has been made by the Center, the Board will file in the cause a recommended program which shall include the time necessary to execute an appropriate program of faculty desegregation for the system.

VIII. SCHOOL CONSTRUCTION

New schools, additions to existing schools and the use of portable classrooms shall be programmed, planned and constructed in furtherance of the Board's affirmative duty to convert to a unitary system free from racial discrimination and in accordance with other factors such as budgetary limitations, location of students, age level of students of the school involved, safety of students, nonracial educational factors and any other relevant nonracial factors necessary to maintain a sound educational system.

No new construction contracts for new facilities or substantial additions to existing facilities will be entered into by the Board prior to the approval of the further revised plan to be filed on or before January 1, 1970.

IX. THE FOLLOWING REPORTS WILL BE MADE TO THE COURT

- A. On or before January 1, 1970:
  - 1. The number of students by race living within each proposed zone.
  - 2. The number of students by race in each grade of each school.
  - 3. The name, address, race, grade, school of initial assignment in accordance with the plan and school of present attendance of each student who has applied to be transferred after the initial assignment, together with the reasons given for requesting such transfer and the defendants' reasons for granting or denying each such transfer application, and
  - 4. The race, grade or course taught and the school to which assigned under the plan for the 1969-70 school year, for each teacher.
- B. On or before June 1, 1970, and on or before June 1 of each subsequent school year, and except as noted below:
  - 1. All plans for site acquisition, new construction and expansion, including a timetable of anticipated acquisition, construction and expansion; and
  - 3. The number of faculty vacancies, by school, that have occurred or been filled by the defendants since the latest prior report concerning faculty vacancies submitted pursuant to prior orders of the Court. This report shall state the race of the teacher employed to fill each such vacancy and indicate whether such teacher is newly employed or was transferred from within the system. The tabulation of the number of transfers within the system shall indicate the schools from which and to which the transfers were made. The report shall also set forth the number of faculty members of each race assigned to each school for the forthcoming school.

[Original document numbering for this section is 1 and 3 with 2 being omitted.]

Respectfully submitted,

COUNTY BOARD OF EDUCATION OF  
FAYETTE COUNTY, TENNESSEE

E X H I B I T A

<u>SCHOOL</u>	<u>STUDENT CAPACITY</u>
Bernard	185
Braden	203
Braden-Sinai	184
East Side	219
W. P. Ware	1083
F. C. H. S.	624
Jefferson	416
LaGrange Cons.	240
Moscow	285
Oakland Cons.	466
Oakland	279
Somerville	636
Springhill	440
Williston	90
Central (new)	710
Southwest (new)	738