

RECEIVED
APR 27 2005
FRED L. BORCH III, CLERK
US DISTRICT COURT, EDNC

FILED
MAY 6 2005
FRED L. BORCH III, CLERK
US DISTRICT COURT, EDNC
DEP. CLK

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 1796

HAROLD DOUGLAS COPPEDGE, *et al.*,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

THE FRANKLIN COUNTY BOARD OF
EDUCATION,

Defendant.

CONSENT ORDER

RECEIVED
MAY 17 PM 1:37
FRED L. BORCH III, CLERK
US DISTRICT COURT, EDNC

CONSENT ORDER

This matter is before the Court at the request of plaintiffs Harold Douglas Coppedge, *et al.*, plaintiff-intervenor United States, and defendant Franklin County Board of Education ("the District").

The District operates under a series of school desegregation orders (including orders issued on August 21, 1967, August 5, 1968, July 28, 1970, May 22, 1978, August 16, 1994, June 14, 1996, and June 17, 2003). The desegregation orders and applicable federal law require the District to, *inter alia*, eliminate the vestiges of discrimination, to the extent practicable, in its student assignments, faculty and staff hiring and assignments, quality of education, school transportation, extracurricular activities, school construction and facilities, and student transfers. The desegregation order of June 17, 2003, among other things, directed the District, in

1169-54-7

cooperation with an outside consultant, to prepare a plan of student assignment that ensures that it has eliminated the vestiges of discrimination, to the extent practicable, in student assignment.

A plan was developed by the outside consultant and the District modified said plan to some extent and the District, by vote of the Board of Education, adopted what is called the Alternate 21 Plan for School Assignment ("the Plan"). A copy of said Plan is attached hereto as Exhibit A and is incorporated by reference herein as if fully set forth. In accordance with the orders of this Court the Plan was promulgated among the parties and was approved by all of the parties.

The District in the October 11, 2004 meeting, by vote of the Board of Education, voted to allow rising seniors, juniors, eighth graders, and fifth graders to be grandfathered under the prior Student Assignment Plan provided the parents request it and provide transportation.

In an effort to address the Court's concerns regarding student assignment, the parties have agreed to accept the Plan as a means to eliminate the vestiges, to the extent practicable, of student assignment.

BASED UPON THE APPLICABLE LAW, it is the determination of this Court that the actions embodied in this Consent Order: 1) comport with the Fourteenth Amendment to the Constitution of the United States of America and applicable federal law; 2) are reasonable, equitable, and appropriate to ensure that the practices and policies of the District comply with applicable federal law and priors orders of the Court in this case; and 3) will, if properly implemented, further the orderly desegregation of the schools operated by the District.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- 1) The Alternate 21 Plan, a copy of which is attached hereto as Exhibit A and incorporated

by reference as if fully set forth be entered, announced, and implemented as appropriate steps for attaining compliance with applicable federal law and shall begin to be implemented in the 2005-06 school year.

2) All rising Seniors, Juniors, Eighth Graders, and Fifth Graders who are affected under this plan are allowed to be grandfathered under the prior student assignment plan provided that they comport with all policies requesting transfer from the Central Office including providing their own transportation; That this transfer shall be handled administratively in the same manner as the current Majority/Minority student transfers; That said grandfathering for the affected students is additionally subject to the following conditions;

a) All such requests for "grandfathering" transfers shall be made by June 15, 2005;

b) By June 22, 2005, the District shall provide to the United States and Plaintiffs the following information about each student requesting a "grandfather" transfer:

1) the applicant's name, race, and grade;

2) the name of the school the applicant is assigned to; and

3) the name of the school the applicant would like to attend under the

"grandfathering" option;

c) Upon receipt of this list of affected students by the United States and Plaintiffs, the United States and Plaintiffs will have fifteen (15) days to raise an objection to any such application and if such an objection is not raised within fifteen (15) days of receipt then it shall be assumed that there is no such objection and the District may finally approve the transfer.

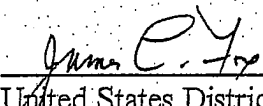
d) Further, a final list of the "grandfathered" students shall be provided to the United States and Plaintiffs by October 15, 2005 and the same information as provided in Paragraph 2(b) of the decree portion of this order shall also be provided;

e) The parties shall review the effects of the new assignment plan as well as the "grandfather" provision, based on the information provided by October 15, 2005 pursuant to this order and the Court's 2003 Consent Order, section IV. Any party requesting further modification or revision shall make such request within 60 days of the date the Franklin County Board of Education complies with the reporting requirements set forth in this Order and in Section IV of the 2003 Consent Order. Any such changes shall be subject to the approval of the Court.

3) All other orders of the Court remain in full force and effect including all orders regarding yearly reviews of the student assignment plan.

4) This matter is retained by the Court for further orders.

SO ORDERED, this 5th day of May, 2005.



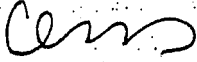
United States District Judge

I certify the foregoing to be a true and correct
copy of the original.
Fred L. Borch III, Clerk
United States District Court
Eastern District of North Carolina

By 
Deputy Clerk

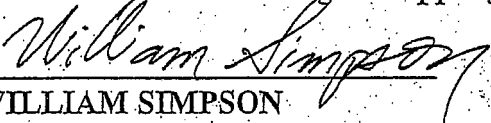
The following signatures of the parties indicate their consent to the entry of this Consent Decree.

For Defendant Franklin County Board of Education:



C. BOYD STURGES, III
Davis, Sturges & Tomlinson
P.O. Drawer 708
Louisburg, NC 27549
(919) 496-2137

For Plaintiff Harold Douglas Coppedge, et al.:

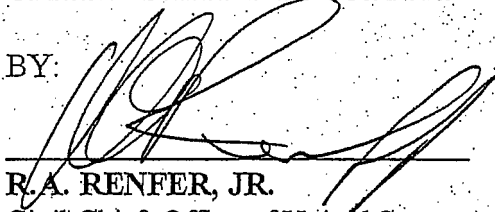


WILLIAM SIMPSON
Ferguson Stein Chambers
312 West Franklin Street, Suite 2
Chapel Hill, NC 27515
(919) 933-5300

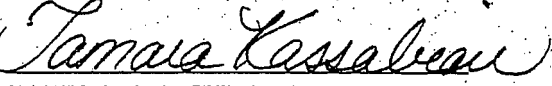
For Plaintiff-Intervenor United States of America:

FRANK D. WHITNEY
UNITED STATES ATTORNEY

BY:



R.A. RENFER, JR.
Civil Chief, Office of United States Attorney
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461
(919) 856-4530



JAVIER M. GUZMAN
TAMARA H. KASSABIAN
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW
Patrick Henry Building, Suite 4300
Washington, DC 20530
(202) 514-4092