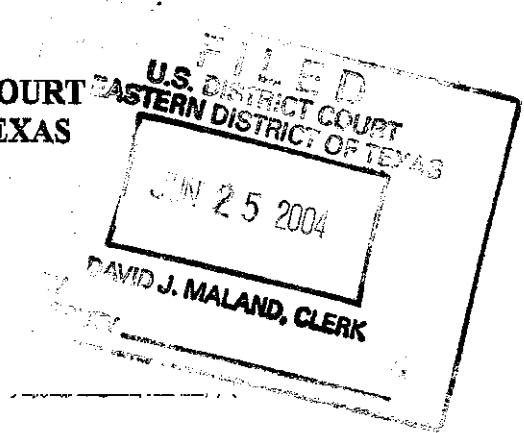


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION



ROBERT L. ADAMS, JR., AND YVONNE ADAMS,  
Minors, by and through their father,  
ROBERT L. ADAMS, SR., as next friend, and  
THOMAS LIASE, A Minor, by and through his  
stepfather, HARDIE O. JOHNSON, as next  
friend,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

CHARLES F. MATHEWS, Superintendent of the  
LONGVIEW INDEPENDENT SCHOOL DISTRICT,  
LONGVIEW INDEPENDENT SCHOOL DISTRICT,  
NORMAN P. TAYLOR, O.L. KIMBROUGH,  
R. J. SCHRADER, TOM W. LANDERS,  
C. B. MASON, LONDON A. COLQUITT, and  
J. MERTON YOUNG, Members of the Board  
of Trustees of the LONGVIEW INDEPENDENT  
SCHOOL DISTRICT

Defendants.

CIVIL ACTION  
No. 3095

CIVIL ACTION  
No. 04cv 291

JOINT MOTION TO AMEND DESEGREGATION ORDER

The Longview Independent School District ("Longview ISD" or "District"), et al., Defendants, and the United States of America, Plaintiff-Intervenor (hereinafter collectively referred to as the "parties"), hereby file their Joint Motion to Amend the August 27, 1970 Order of this Court approving the District's desegregation plan. The District has proposed the use of magnet schools to both further desegregation and improve the quality of education and the United States joins the District in requesting modifications to the Order so that the magnet program may be implemented.

**I.**  
**BACKGROUND**

On August 27, 1970, this Court entered an order requiring Longview ISD to implement the Desegregation Plan ("1970 Plan") submitted by the District on January 6, 1970. The Plan required Longview ISD to desegregate its schools by creating attendance zones and transporting students from one attendance zone to another in order to achieve racial balance. The 1970 Plan did not include magnet schools as a tool for desegregating the schools.

Prior to the implementation of the 1970 Plan, the District had two high schools, three junior high schools, and thirteen elementary schools. The 1970 Plan required the District to close one of its high schools and three of its elementary schools and to divide the District into three attendance zones: Zone A, Zone B, and Zone C. The chart below summarizes the Plan's proposed school configurations and projected student populations at each school.

SCHOOL	ATTENDANCE ZONE	GRADES	STUDENT POPULATION	RATIO	
				Black	White
Longview Senior High School	A, B, C	10 - 12	2195	28%	72%
Mozelle Johnston Elem. School	A	1 - 5	765	25%	75%
Judson Junior High School	A	6 - 9	640	28%	72%
Bramlette Elem. School	B	1 - 5	525	21%	79%
Valley View Elem. School	B	1 - 5	440	21%	79%
Janie Daniel Elem. School	B	1 - 5	280	29%	71%
Forest Park Junior High School	B	6 - 9	1020	33%	67%
East Ward Elem. School	C	1 - 6	350	39%	61%
South Ward Elem. School	C	1 - 6	370	34%	66%
Jodie McClure Elem. School	C	1 - 6	566	35%	65%
Pinewood Park Elem. School	C	1 - 6	344	29%	71%

SCHOOL	ATTENDANCE ZONE	GRADES	STUDENT POPULATION	RATIO	
				Black	White
Ware Elem. School	C	1 - 6	505	35%	65%
Maggie B. Hudson Elem. School	C	1 - 6	560	40%	60%
H.L. Foster Junior High School	C	7 - 9	1140	33%	67%

The Plan's student population projections were based on the ratio of black students to white students in the District in 1970. At the elementary level, the ratio was 67% white and 33% black; at the junior high school level, the ratio was 68% white and 32% black; and at the high school level, the ratio was 72% white and 28% black.

Since this Court's Order in 1970, the District's total student enrollment and white student enrollment have decreased, while the District's black and hispanic student enrollment have substantially increased. In 1970, the District's total student enrollment was approximately 9,600, with 28% black and 72% white. Hispanic student enrollment was negligible. Today, the District's total student enrollment is 8,289 (a 14% decrease from 1970), with 49.5% black, 20.6% Hispanic, and 28.9% white.

Since the 1970 Plan, the District has changed the grade-level configuration of its schools and has closed some schools. Janie Daniel Elementary School and East Ward Elementary School, which were part of attendance zones B and C respectively under the 1970 Plan, no longer exist. Bramlette, which served as a junior high school in 1970, now serves pre-kindergarten through fifth grade students. The District has also opened three new schools - G.K. Foster Primary School, J.L. Everhart Primary School, and Doris McQueen Primary School - a student development center, and a juvenile detention center. The District's current configuration is summarized in the chart below.

SCHOOL	ATTENDANCE ZONE	GRADES	STUDENT POPULATION	RATIO		
				Black	White	Other
Longview High School	A, B, C	9 - 12	2168	49.8%	34.8%	15.4%
Mozelle Johnston Elem. School	A	3 - 5	367	32.2%	59.8%	8%
Judson Middle School	A	6 - 8	668	38.2%	57.2%	4.9%
Bramlette Elem School	B	PreK - 5	466	70.4%	18.2%	11.4%
Valley View Elem. School	B	PreK - 5	424	37.6%	13.8%	48.5%
J.L. Everhart Primary	C	Early childhood - 2	243	47.3%	4.5%	48.1%
Forest Park Middle School	B	6 - 8	680	65.4%	12.7%	21.9%
G.K. Foster Primary School	C	Early childhood - 2	209	76.6%	15.8%	7.7%
South Ward Elem. School	C	K - 5	418	51.2%	4.1%	44.7%
Jodie McClure Elem. School	C	3 - 5	314	63.7%	7.6%	28.6%
Pinewood Park Elem. School	C	K - 5	290	40.3%	4.6%	55.2%
Ware Elem. School	C	PreK - 5	308	79.2%	10.7%	10.1%
Maggie B. Hudson PEP Elem. School	N/A	1 - 5	422	10.2%	71.6%	9.2%
H.L. Foster Middle School	C	6 - 8	740	51.1%	17.2%	31.7%
Doris McQueen Primary	C	PK-5	406	31.1%	61.7%	7.2%
Student Development Center	N/A	N/A	12	66.7%	16.7%	16.7%
Juvenile Detention Center	N/A	N/A	10	30%	60%	10%
Meadow Pines	N/A	N/A	47	21.3%	59.6%	19.1%

Despite the changes in the demographics of the District's student population, the District has continued to bus black students who live in the South Longview area to majority white schools located outside of their neighborhood. In response to school and community desire to

alleviate the burden placed on students who must be bussed to schools outside of their neighborhoods in order to achieve integration, Longview ISD proposes to implement a magnet school plan with the goals of not only alleviating some of the burdens created by bussing, but also attracting white students who have left the district for private schools and improving the quality of education offered at the participating magnet schools.

**II.**  
**THE PROPOSAL: THE 2004 MAGNET SCHOOL PLAN**

The 2004 Magnet School Plan's overall goals are: (1) to stabilize desegregated student enrollment district-wide on a long-term basis without disproportionately burdening any one area or race, (2) to improve the quality of education provided by the District, and (3) to establish a thread of continuity from pre-school through high school for the students who choose to participate in the magnet school program. The District's Board of Trustees unanimously approved the Plan on February 16, 2004, and the Plan is supported by the community, including the Longview Race-Relations Committee, a community-based organization created to increase understanding of racial diversity and to foster racial harmony, and the Longview Area Interdenominational Ministerial Alliance, which is composed of members who pastor more than 25 African-American churches in the Longview area. *See Exhibit A.* The United States joins the District in moving the Court to modify the 1970 Order to allow for the use of magnet schools.

Below the parties have summarized the major components of the 2004 Magnet School Plan and the Plan's relationship to the requirements of the Court's 1970 Order of Desegregation.

1. Description of the 2004 Magnet School Plan.

Subject to approval of the District's request for a Magnet Schools Assistance Program ("MSAP") grant, the Plan proposes a multifaceted scheme that will begin with the creation of five magnet schools. During the first cycle of the Magnet School Plan (2004-2007), the District

proposes to transform the following schools into magnet schools: Forest Park Middle School, McClure Elementary School, G. K. Foster Primary School, Pinewood Park Elementary School, and J. L. Everhart Primary School. These schools were chosen based upon consideration of 1) racial isolation; 2) low standardized test scores; 3) proximity to one another; and 4) the psychosocial and-academic needs of their students. The five schools are located within 10 miles of each other and are marked by low standardized test performance. As the chart on page 4 shows, each of these schools' student population is overwhelmingly black and Hispanic.

The District proposes to implement International Baccalaureate (IB) programs at Forest Park, McClure, Pinewood Park, and J. L. Everhart and to implement a Montessori program at G. K. Foster. Additionally, in order to achieve the Plan's goal of curriculum continuity, the District proposes to change the grade configurations of these schools as follows:

SCHOOL NAME	CURRENT CONFIGURATION	PROPOSED CONFIGURATION
G. K. Foster Primary	Early childhood - 2 <sup>nd</sup>	Montessori (Pre K - K)
J.L. Everhart Primary	Early childhood - 2 <sup>nd</sup>	IB (1st - 3rd)
Pinewood Park Elem.	K - 5 <sup>th</sup>	IB (1st - 3rd)
Jodie McClure Elem.	3rd - 5 <sup>th</sup>	IB (4th - 5th)
Forest Park Middle	6th - 8 <sup>th</sup>	IB (6th - 8th)

Students participating in the Magnet School Plan will attend G. K. Foster (Montessori theme) for Pre-Kindergarten and Kindergarten, attend either J. L. Everhart (IB theme) or Pinewood Park (IB theme) for grades first through third, attend McClure (IB theme) for grades fourth through fifth, and will attend Forest Park (IB theme) for grades sixth through eighth.

The Magnet School Plan includes student admission and transfer guidelines with the goal of ensuring optimum integration and prevent racial isolation. The five schools will operate as attendance zone magnet schools with no academic entrance criteria. Students living within the magnet school attendance zone will be automatically eligible to attend the schools. The reconfigurations of the schools will increase the capacity of the magnet schools and this additional capacity will be filled with students selected by a lottery system. The District will target for recruitment those students who are zoned to the five schools selected for the program and who are currently enrolled in private schools or surrounding districts, and those students who are home-schooled.

2. Student Transfers.

In accordance with paragraphs 7 and 10 of the Desegregation Plan of 1970, the Magnet School Plan encourages majority-to-minority transfers regardless of race and allows intra- and inter-district transfers. Such transfers will be permitted to the extent that these transfers do not individually or cumulatively, adversely affect desegregation at the receiving or sending school.

3. Attendance Zones.

The 2004 Magnet School Plan does not require any changes to the District's current attendance zones. Once the District has had an opportunity to examine the impact of the Magnet School Plan and its effect on the racial composition of its schools, the District will re-examine its current attendance zones to determine whether further desegregation is practicable. The District anticipates that the re-examination of its attendance zones will take place at the end of the 2004-2005 school year. The District shall present to counsel for the parties all proposals for changes in attendance zones at least 60 days before the implementation date.

4. Modifications to the 2004 Plan.

As with any new plan, unforeseen problems may arise in the implementation of the 2004 Magnet School Plan. In order to effectively resolve these unforeseen problems, flexibility in the implementation of the Plan will be necessary. The District may make normal operating changes in curriculum, staffing and operations without notifying the United States. Normal operating changes include, but are not limited to, the hiring and firing of District employees, the implementation, termination, and development of educational programs, and the daily operations of the District. The District shall present to counsel for the parties all proposals for changes in attendance zones, the closing of a magnet program or school, and changes to grade configurations. All such proposals shall be presented to counsel for the parties at least 60 days prior to planned implementation. The District will continue to file annual reports. The District is committed to full desegregation to the extent practicable, and it will take the necessary and available steps to ensure this result.

5. Faculty and Staff Assignment.

The District has striven to increase the percentage of African-American faculty and staff employment as ordered by the 1970 Desegregation Plan. The employment of African-American faculty and staff has been, and will continue to be, a priority in the District.

6. Faculty and Staff Development.

Faculty and staff development is an integral part of the District's magnet school and overall desegregation plan. The Plan contains a series of activities and lectures that will provide the staff with the tools necessary to teach and work in a multicultural environment and will teach the staff how to foster the academic and social development of all students in the District, regardless of their culture, race, gender, ethnicity, or special needs.



7. Changes to the 1970 Order of Desegregation.

The Court's 1970 Order of Desegregation does not include magnet schools as a desegregation strategy. The parties request that the Court modify its 1970 Order to permit the establishment of magnet schools to achieve greater racial integration.

**III.**  
**CONCLUSION**

To successfully begin operating the Magnet School Plan at the beginning of the 2004-2005 school year, implementation of the Plan must begin immediately; therefore, the District urges this Court to give immediate consideration to this motion. The District further urges this Court to weigh heavily the fact that this is a jointly submitted motion to amend; there is no objection by the United States to the District's submitted Magnet School Plan.

WHEREFORE, PREMISES CONSIDERED, the Longview Independent School District and the United States of America pray that this Motion to Amend Judgment and Consent Orders be approved for implementation.

Respectfully submitted,

Bracewell & Patterson, L.L.P.

By: Lisa R. McBride  
Kelly Frels  
State Bar No. 07438000  
Attorney-in-Charge

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**ATTORNEYS FOR THE DEFENDANT  
LONGVIEW INDEPENDENT  
SCHOOL DISTRICT**

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For the United States

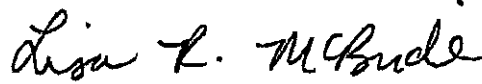
By: Kym Davis Rogers *with permission*  
R. Alexander Acosta  
Assistant Attorney General *Lisa R. McBride*  
  
Javier M. Guzman  
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Attorneys

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Washington, DC 20530  
202/514-4092 - Telephone  
202/514-8337 - Facsimile  
[kym.rogers@usdoj.gov](mailto:kym.rogers@usdoj.gov) - e-mail

**CERTIFICATE OF SERVICE**

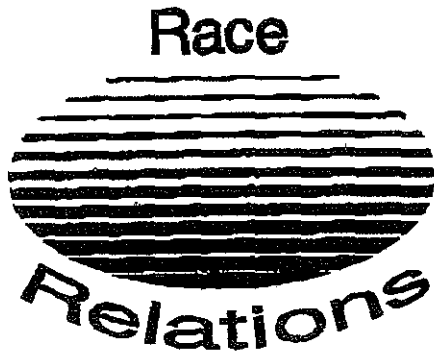
The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on counsel of record at the address below by certified mail, return receipt requested, on this the 25<sup>th</sup> day of June, 2004: \_\_\_\_\_

Ms. Kym Davis Rogers  
United States Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
Patrick Henry Building, Suite 4300  
950 Pennsylvania Avenue, NW  
Washington, DC 20530



\_\_\_\_\_  
Lisa R. McBride

# EXHIBIT A



March 12, 2004

To Whom It May Concern:

The Longview Race Relations Committee is comprised of citizens from the Greater Longview Area who work together to enhance positive race relationships throughout the community.

The committee feels the magnet school concept with the support provided by the Magnet School Grant will help Longview ISD diversify its campuses and the Longview community. The Race Relations Committee gives its support to the efforts of Longview ISD in securing the Magnet School Grant.

Sincerely,

A handwritten signature in black ink that reads "Clarence Bailey". The signature is written in a cursive style with a large, sweeping flourish at the end.

Clarence Bailey, President  
Longview Race Relations Committee

**Longview Area Interdenominational Ministerial Alliance**  
**P. O. Box 7194**  
**Longview, Texas 75607**  
**Rev. Harvel Davis, President**

**March 12, 2004**

**To: Dr. Jennifer Scott**

We the members of the Longview Area Interdenominational Ministerial Alliance are proud to support the Longview ISD efforts secure funding from the Magnet School Fund.

After reviewing your plans for the funds we are looking forward to seeing these funds used to benefit our children and the community. The LAIMA is composed of members who pastor more than 25 African American churches in the Longview area.

We pledge our continued support of Longview ISD. If there is anything that we as an alliance can do to help you in your effort to see that no child is left behind please contact our president Rev. Harvel Davis @ 903- 234-0443.

Yours for a better community  
  
Rev. Harvel Davis, President LAIMA

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LISD DEPT. OF  
ADMINISTRATIVE SERVICES