

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**DIANE COWAN, minor, by her mother and
next friend, Mrs. Alberta Johnson, et al.;**
**FLOYD COWAN, JR., minor, by his mother
and next friend, Mrs. Alberta Johnson, et al.;**
LENDE SANDERS; MACK SANDERS;
CRYSTAL WILLIAMS; AMELIA WESLEY;
**DASHANDA FRAZIER; ANGINETTE
TERRELL PAYNE; ANTONIO LEWIS;**
BRENDA LEWIS;

PLAINTIFFS

and

UNITED STATES OF AMERICA

INTERVENOR-PLAINTIFF

V.

NO. 2:65-CV-00031-DMB

**BOLIVAR COUNTY BOARD OF
EDUCATION, et al.**

DEFENDANTS

ORDER

On May 13, 2016, this Court entered a Memorandum Opinion and Order adopting the desegregation plan proposed by the United States of America, which calls for the consolidation of the Cleveland School District’s high schools and middle schools (“Plan”). Doc. #215 at 96.

The order provided:

In view of the Court’s adoption of the United States’ plan on this date, the parties are each **DIRECTED** to submit to the Court a proposed timeline to implement the United States’ plan in such a way as to ensure the immediate termination of the District’s dual system in its high schools and middle schools. The proposed timeline is to be submitted no later than twenty-one (21) days from the entry of this Opinion and Order.

Id. (emphasis in original).

On June 3, 2016, the United States and Plaintiffs jointly submitted a proposed implementation timeline (“U.S. Timeline”). Doc. #218. The same day, the District submitted its

own proposed timeline (“District Timeline”). Doc. #217. The U.S. Timeline and the District Timeline, which both use the general steps outlined by the United States in its first plan submission, propose similar implementation timelines. The U.S. Timeline is more detailed than the District Timeline, while the District Timeline offers a more expedited timeframe.

Upon consideration, the Court deems it prudent to defer primarily to the District, which appears to be in a better position than the United States to proffer a timeline for implementation of the Plan. However, the Court also concludes that the more detail provided by the U.S. Timeline will be beneficial to the District in implementing the Plan. Accordingly, the Court will adopt the deadlines proposed in the District Timeline, as supplemented by the U.S. Timeline, to the extent the supplemental deadlines do not conflict with the timelines in the District Timeline.¹ Therefore, it is **ORDERED** that the District take the following actions on or before the following deadlines:²

October 14, 2016³

1. Develop a detailed action plan for implementing the Plan.
2. Form a multiracial advisory panel⁴ to assist the District with developing implementation strategies and public engagement efforts supporting the Plan. The

¹ The Court notes that the District has filed motions to stay and modify the Court’s May 13 order, which motions are pending. Doc. #223; Doc. #227. That these motions are pending does not excuse the District from proceeding with the implementation of the Plan as adopted by the Court. See generally *Tinsley v. Kemp*, 750 F.Supp. 1001, 1013 (W.D. Mo. 1990) (“[B]y refusing to comply with [court order] merely because a motion to stay is pending, a party effectively is granting its own motion to stay—even before the court has ruled. Such a phenomenon would reduce a court’s orders to useless and senseless formalities.”).

² The District is subject to the Court implementing additional deadlines and requirements, by order, as the Court deems necessary. In this regard, the Court will issue a separate order setting reporting requirements for the District beyond those set herein.

³ In setting this initial deadline, the Court presumes that the District proceeded with the activities in the timeline it proposed given that no stay of the Court’s May 13 ruling has been ordered.

⁴ Once the members of the multiracial advisory panel are selected, the District shall share the names of its members with the United States, including any additions or removals from the panel.

multiracial advisory panel will meet regularly and as often as needed to fully implement the Plan in accordance with the deadlines ordered by the Court.

3. Identify opportunities for collaboration with key community members (including, but not limited to, local universities, employers, arts organizations, and civic groups) on Plan implementation and academic programming.
4. Engage in academic and curricular planning to determine which programs will continue in the new schools and whether new academic or extracurricular programs or opportunities will be introduced.
5. Assess facilities needs for the consolidated schools and develop a plan to design, budget, and complete any necessary or desired renovations or repairs.
6. Develop a plan to ensure a smooth transition for athletic teams and extracurricular activities.

December 4, 2016

1. Continue implementation of measures commenced earlier.
2. In conjunction with the multiracial advisory panel, develop and begin implementation of marketing, branding and public engagement plans.
3. Identify opportunities for collaboration with key community stakeholders on plan implementation and development of educational opportunities, and begin formalizing relationships with these stakeholders.
4. Review staffing needs, engage in targeted faculty recruitment efforts, and determine whether reassignments or reductions in force will be needed.
5. Begin any necessary renovations and repairs on existing facilities, if not previously commenced.

6. Identify and proceed to establish the necessary steps to establish any new academic or extracurricular programs or opportunities.
7. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

March 5, 2017

1. Continue implementation of measures commenced earlier.
2. Engage community stakeholders in renaming the schools, and selecting and promoting new mascots.
3. With the multiracial advisory panel, design and implement a roll-out plan to introduce and promote the new schools.
4. Begin planning activities and efforts to commemorate the traditions of the former schools.
5. Assign all students in 6th-8th grades (except for the 6th graders at Bell and Hayes Cooper) to a single District-wide middle school housed in the current East Side High School facility.
6. Assign all students in 9th-12th grades to a single comprehensive high school housed on a new high school campus using the current Cleveland High/Margaret Green facilities.
7. Formally notify middle and high school students of their 2017–2018 school assignments.
8. Take appropriate personnel actions to staff the new schools (including, but not limited to, new hiring, using retention measures, and notifying current employees of any necessary reassignments or reductions in force).

9. Implement and promote new academic programs and opportunities, and take appropriate steps to ensure transition of existing programs (including, but not limited to, the IB Programme) to the consolidated schools.
10. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

May 21, 2017

1. Continue implementation of measures commenced earlier.
2. Complete necessary facility renovations, repairs, and other improvements.
3. With the multiracial advisory panel, engage in publicized roll-out activities (including, but not limited to, introductory, celebratory and commemorative events; school tours and media campaigns) and provide information to all parents and students on the new schools.
4. Work with the multiracial advisory panel to finalize activities and efforts to commemorate the traditions of the former schools.
5. Provide uniform training to District administrators, staff, and employees to ensure that educational opportunities are available to all students on a nondiscriminatory basis.
6. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

August 2017

1. Continue implementation of measures commenced earlier.
2. Open the new consolidated middle school and new consolidated high school.

3. With multiracial advisory panel, address implementation issues arising during school year.
4. File a report with the Court detailing the District's compliance to date with the timeline ordered by the Court.

SO ORDERED, this 22nd day of September, 2016.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE