

JUDGMENT ON DECISION BY THE COURT

CIV 82 (7-68)

United States District CourtFOR THE
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA

CIVIL ACTION FILE NO. S80-0035

vs.

JUDGMENT

SOUTH BEND COMMUNITY SCHOOL CORPORATION; JAMES P. SCAMMAN, Superintendent; THE BOARD OF SCHOOL TRUSTEES OF THE SOUTH BEND COMMUNITY SCHOOL CORPORATION; ROBERT M. SWEENEY, DONALD W. YATES, MARILYN KALAMAROS, EILEEN BENDER, HOLLIS E. HUGHES, JR., ANTHONY V. LUBER, WILLIAM L. WILSON, members of the Board of School Trustees.

This action came on ~~for trial~~ ~~(hearing)~~ before the Court, Honorable ALLEN SHARP

, United States District Judge, presiding, and the issues having been duly ~~tried~~ (heard) and a decision having been duly rendered,

It is Ordered and Adjudged that pursuant to the Consent Decree entered on February 8, 1980, that the Consent Decree is final and binding as to the issues resolved therein with the Court to retain jurisdiction of this action for all purposes and each party to bear its own costs, all in accordance with and more specifically set forth in said Consent Decree.

Dated at South Bend, Indiana, this 8th day
of February, 19 80.

RICHARD E. TIMMONS
Clerk of Court

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

FILED

FEB 8 1980

At _____ M
RICHARD E. TIMMONS, CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOUTH BEND COMMUNITY SCHOOL
CORPORATION, et al.,

Defendants.

S 80-0035

CONSENT ORDER

The United States has filed a complaint alleging that the South Bend Community School Corporation, its Board of School Trustees, and its Superintendent have engaged in acts of discrimination which were intended and had the effect of segregating students and faculty on the basis of race in the school system. The United States alleges further that the defendants' discriminatory actions had a system-wide effect and that those actions continue to cause, in large part, the patterns of racial imbalance in student assignment which persist today.

The South Bend Community School Corporation and the other named defendants deny that they have engaged in intentional acts of racial discrimination. The defendants assert that they have taken actions in the recent past which have contributed to greater integration of the school system. The defendants state further that it is the policy of the South

Bend Community School Corporation to remove racial imbalance from the public schools and to ensure equal educational opportunity to all students without regard to race, color, or national origin.

The parties agree that the litigation of this action would require a substantial expenditure of public funds which more appropriately can be used to achieve the educational goals of the school system. The United States agrees that the local school authorities can best develop a specific plan to achieve desegregation provided, however, that such a plan fully meets constitutional standards.

In light of these considerations, the parties, as indicated by the signatures of their counsel below, desire to settle this action by entry of an appropriate decree. The defendants submit to the jurisdiction of the Court and admit that subject matter jurisdiction exists over this action under Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c, and under the Equal Educational Opportunities Act of 1974, 20 U.S.C. §1706. The defendants waive the notice provisions of those acts. All parties waive the entry of findings of fact and conclusions of law. All parties agree that this Consent Decree is final and binding as to the issues resolved herein.

WHEREFORE, the parties having freely given their consent, the terms of the order being within the scope of the complaint, and the terms of the order being not unlawful, unreasonable, or inequitable, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The defendants shall formulate a specific desegregation plan for student assignment by September 1, 1980. In developing such a plan, the defendants shall continue to consult with the plaintiff. The parties shall attempt in good faith to resolve voluntarily any disagreements which may arise during the development of the plan.

2. The desegregation plan for student assignment shall provide that the percentage of black students in each school shall be within fifteen percentage points of the total percentage of black students in the School Corporation.

3. The integration of students of other national origins shall be implemented so that such students are not subjected to extreme isolation and so that the possible continuation of appropriate special programs for such students is not precluded.

4. The desegregation plan for student assignment shall provide that, if the transportation of students is required, such transportation shall be designed so that all racial groups share as equally as possible.

5. If the closing of any schools is necessary for purposes of integration, such closings shall be designed so that all racial groups share as equally as possible.

6. By the beginning of the 1980-81 school year, the faculties of each school operated by the School Corporation shall be appropriately adjusted so that each approximately reflects the average racial composition, teaching experience, and teaching disciplines of the faculty of the school system as a whole. Educational and extracurricular programs shall be equal for each school serving similar grade levels and similar student needs.

7. The desegregation plan shall provide for staff training, curriculum evaluation and revision, facilities comparability, and substantially equal discipline practices.

8. The Board of School Trustees shall continue to pursue its present affirmative action hiring policies.

9. By the beginning of the 1981-82 school year, the defendants shall complete fully the implementation of the desegregation plan for student assignment.

10. By November 1st of 1980, 1981, 1982 and 1983, the defendants shall file with the Court and serve on counsel for the United States a report setting forth the following information:

- a. the total faculty, by race, of the School Corporation;
- b. the total faculty, by race, of each school facility;
- c. the total school and central office administrative staff, by race, of the School Corporation;
- d. the total administrative staff, by race, of each school facility;
- e. the total student enrollment, by race, of the School Corporation;
- f. the total student enrollment, by race, of each school facility; and
- g. the number of students, by race, enrolled in each classroom in each class period during the third Friday in September preceding the filing of the report.

11. Each party shall bear its own costs.

12. The Court shall retain jurisdiction of this action for all purposes.

ORDERED this the 8 day of February, 1980.


United States District Judge

THE UNDERSIGNED CONSENT TO THE ENTRY OF THIS ORDER:


Franklin A. Morse
Thornburg, McGill, Leahl,
Harmon, Carey & Murray
First Bank Building Building
South Bend, Indiana 46601

Attorneys for Defendants


DAVID T. READY
United States Attorney

DREW S. DAYS III
Assistant Attorney General

By: 
ROBERT J. REINSTEIN

Michael B. Wise

MICHAEL B. WISE

Richard J. Epps, Jr.

RICHARD J. EPPS, JR.

Attorneys
General Litigation Section
Civil Rights Division
Department of Justice
Washington, D.C. 20530

Attorneys for Plaintiff