

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division

SEP 8 1971

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
BY *Margaret M. Lawler*
DEPUTY CLERK

LINDA STOUT et al.,)
Plaintiffs;)
-vs.-)
JEFFERSON COUNTY BOARD OF)
EDUCATION, et al,)
Defendants.)

Civil Action 65-396-S

AMENDED ORDER

In response to petitions for modification and clarification filed by several of the defendant boards of education, the orders of August 24, 1971, and August 25, 1971, in the above styled cause are hereby amended to read as follows:

I. STUDENT ASSIGNMENT

(a) Jefferson County Board of Education ("the county board"). The county board shall implement for the 1971-72 school year and thereafter until this order be modified the following attendance zones:

(1) Berry zone. The Berry attendance zone is set forth in Attachment A. Grade structures shall be:

Berry H.S.	7-12
Shades Mountain E.S.	1-7
Bluff Park E.S.	1-6
Green Valley E.S.	1-6

The attendance zone for Berry H.S. (7-12) shall also include such portions of the area shown on Attachment X-1 as the Gaston J.H.S. zone as may be assigned by the county board to Berry H.S. pursuant to the provisions of I(a)(19) hereof.

(2) Brighton zone. The Brighton attendance zone is set forth in Attachment B-1. Grade structures shall be Brighton H.S. , 7-12, and Brighton E.S. , 1-6.

(3) Corner zone. The Corner attendance zone is set forth in Attachment C. Grade structures shall be Corner H.S. , 1-12, and Bagley J.H.S. , 1-9.

(4) Erwin zone. The Erwin attendance zone is set forth in Attachment D-1. Grade structures shall be Erwin H.S. , 7-12; Erwin E.S. , 1-6; and Center Point E.S. , 1-6. The county board may, without further application to the court, add to the attendance zones for Erwin H.S. and Center Point E.S. , or either of them, (and eliminate from the Hewitt-Trussville H.S. and Chalkville E.S. zones, respectively) all or any portion of the area marked as "A" on Attachment D-1. The attendance zones for the schools in the Erwin zone shall, commencing with the 1972-73 school year, be subject to alteration by the county board to achieve the result directed by the provisions of I(a)(5) hereof.

(5) Fultondale-Springdale zone. The Fultondale-Springdale attendance zone for 1971-72 is set forth in Attachment F-3, and

for subsequent school years is set forth in Attachment F-2. Grade structures for 1971-72 shall be:

Fultondale-Springdale H.S.	8-12
Fultondale J.H.S.	1-9
Springdale J.H.S.	1-9
Ketona E.S.	1-7

The area shown on Attachment E contains a high concentration of Negro students. Until completion of the new Pinson Valley high school (which is not expected until shortly before the 1972-73 school year), adequate facilities in the northeastern portion of the county are not available to permit implementation of a student assignment plan affording education for such students on a meaningfully desegregated basis. For the 1971-72 school year students in such area shall attend (subject to any applicable provisions for transfers under paragraph IV hereof) Ketona E.S. and Fultondale-Springdale H.S. By commencement of the 1972-73 school year the county board shall (A) either close Ketona E.S. , or pair it with Springdale J.H.S.; (B) reassign or rezone students in the area shown on Attachment E in such manner among the following high schools (Fultondale-Springdale, Pinson Valley, Gardendale, George Rogers Vocational School, Erwin, and Hewitt-Trussville) and among the following elementary or junior high schools (Fultondale, Springdale-Ketona, Pinson Valley, Erwin, Center Point, Gardendale, and Chaikville) as will bring the student attendance at Fultondale-Springdale H.S. and Springdale-Ketona school above 50% white; and (C) restructure the grades at the schools to achieve such result. The county board, to achieve such result, shall have the power to add additional areas (such as the Pawnee Heights and Greens areas) to the Springdale-Fultondale-Ketona zones for 1972-73. The plan of the county board to achieve the requirements herein imposed for the 1972-73 school year shall be filed with the court by April 15, 1972.

(6) Gardendale zone. The Gardendale attendance zone for 1971-72 is set forth in Attachment H-3 and for the 1972-73 school year is set forth in Attachment H-4. Grade structures for 1971-72 shall be:

Gardendale H.S.	8-12
George Rogers Vocational	10-12
Gardendale E.S.	1-7
Mt. Olive E.S.	1-8
Snow Rogers E.S.	1-6

Part of the Mt. Olive and Snow Rogers attendance zones are in the Mortimer-Jordan H.S. zone. The attendance zones for the schools in the Gardendale zone shall, commencing with the 1972-73 school year, be subject to alteration by the county board to achieve the result directed by the provisions of I(a)(5) hereof.

(7) Graysville zone. The Graysville attendance zone is set forth in Attachments I-3 and I-4. Grade structures shall be:

Graysville H.S.	10-12
Graysville J.H.S.	1-9

Brookside J.H.S.	1-9
Adamsville J.H.S.	1-6, 8-9
Bottenfield J.H.S.	7
Mineral Springs E.S.	1-6

Students from the Adamsville J.H.S. zone are assigned to Bottenfield J.H.S. (in the Minor zone) for grade 7 and will be assigned to grades 8 and 9 at Bottenfield when such grades are added to Bottenfield; such students will however remain in the Graysville H.S. zone for the grades not available at Bottenfield.

(8) Hewitt-Trussville zone. The Hewitt-Trussville attendance zone is set forth in Attachment J. Grade structures shall be:

Hewitt-Trussville H.S.	9-12
Hewitt J.H.S.	7-8
Hewitt E.S.	1-6
Chalkville E.S.	1-6
Clay E.S.	1-6

The county board may, without further application to the court, eliminate from the attendance zones for Hewitt-Trussville H.S., Hewitt J.H.S., and Chalkville E.S., or any of them, (and add to the attendance zones for Erwin H.S. and Center Point E.S., respectively) all or any portion of the area marked as "A" on Attachment D-1. The attendance zones for the schools in the Hewitt-Trussville zone shall, commencing with the 1972-73 school year, be subject to alteration by the county board to achieve the result directed by the provisions of I(a)(5) hereof.

(9) Hueytown zone. The Hueytown attendance zone is set forth in Attachment L-1. Grade structures shall be:

Hueytown H.S.	10-12
Pittman J.H.S.	7-9
McNeil J.H.S.	1-9
Hueytown E.S.	1-6
Concord E.S.	1-6
North Highlands E.S.	1-6
Zinnerman E.S.	1-6

Twelfth grade students from the area shown in Attachment T-1 shall attend Hueytown H.S. for 1971-72 except as may otherwise be elected under the provisions of paragraph IV(b) hereof. The county board shall have the option to alter zone lines between Zinnerman, Concord and Hueytown elementary schools provided the effect of such changes is not to reduce the percentage of white students zoned for Zinnerman E.S.

(10) Leeds zone. The Leeds attendance zone is set forth in Attachment M-1. Grade structures shall be Leeds H.S., 8-12; Leeds E.S., 1-7; and Moton E.S., 1-8. The county board shall have the option to pair Moton E.S. with either or both of the other two schools.

(11) Lipscomb zone. The Lipscomb zone is set forth in Attachment AA. Grade structures for 1971-72 shall be Lipscomb H.S., 1-11, and Red Ore H.S., 1-9. Twelfth grade students

for the 1971-72 school year shall attend Wenonah H.S. except as may otherwise be elected under the provisions of paragraph IV(b) hereof. Commencing with the 1972-73 school year all twelve grades shall be provided at Lipscomb H.S. and the Red Ore school shall either be closed or paired with Lipscomb. The county board may alter the zone lines between the Lipscomb H.S. and Wenonah H.S. zones provided that each grade at the Lipscomb school facility is composed of at least 25% black students.

(12) McAdory zone. The McAdory zone is set forth in Attachment N-1. Grade structures shall be:

McAdory H.S.	1-12
Greenwood J.H.S.	1-9
Raimund E.S.	1-6
Addison J.H.S.	1-9

(13) Minor zone. The Minor attendance zone is set forth in Attachment P-1. Grade structures shall be:

Minor H.S.	10-12
Minor Voc. Center (Edgewater)	9-12
Dixie J.H.S.	7-9
Bottenfield J.H.S.	7
Sandusky E.S.	1-6
Hillview E.S.	1-6
Crumley Chapel E.S.	1-6
Mulga E.S.	1-6
McDonald Chapel E.S.	1-6

The county board may expand Bottenfield to provide grades 7-9.

(14) Mortimer-Jordan zone. The Mortimer-Jordan attendance zone is set forth in Attachment Q. Grade structures shall be:

Mortimer-Jordan H.S.	7-12
Morris E.S.	1-6
Kimberly E.S.	1-6
Majestic E.S.	1-6
Bradford E.S.	1-6
Snow Rogers E.S.	1-6
Mt. Olive E.S.	1-8

Part of the Snow Rogers and Mt. Olive zones are in the Gardendale high school zone.

(15) Oak Grove zone. The Oak Grove attendance zone is set forth in Attachment R-1. Grade structures shall be Oak Grove H.S., 1-12; Alliance E.S., 1-6; and Johns E. S., 1-6. The county board shall have the option (1) to close Johns E.S., reassigning all of such zone into the Oak Grove school (1-6) zone, and also (2) to alter the zone line between the Oak Grove and West Jefferson zones by assigning the Praco community to the West Jefferson zone.

(16) Pinson Valley zone. The Pinson Valley attendance zone is set forth in attachment S-1. Grade structures shall be Pinson Valley H.S., 6-12, and Pinson Valley E.S., 1-5. The attendance zones for the schools in the Pinson Valley zone

shall, comm ing with the 1972-73 schc year, be subject to alteration by the county board to achieve the result directed by the provisions of I(a)(5) hereof.

(17) Shades Valley zone. The Shades Valley attendance zone is set forth in Attachment U. Grade structures shall be:

Shades Valley H.S.	7-12
Gresham J.H.S.	7-9
Irondale E.S.	1-8
Cahaba Heights E.S.	1-6
Rocky Ridge E.S.	1-6

The attendance zone for Shades Valley H.S. (7-12) shall also include such portions of the area shown on Attachment X-1 as the Gaston J.H.S. zone as may be assigned by the county board to Shades Valley H.S. pursuant to the provisions of I(a)(19) hereof. Eleventh and twelfth grade students from the City of Homewood shall be assigned to Shades Valley H.S. for the 1971-72 school year.

(18) Warrior zone. The Warrior attendance zone is set forth in Attachment W. Grade structures shall be Warrior H.S., 1-4 and 9-12; Warrior J.H.S. (North Jefferson), 5-8; and Trafford E.S., 1-6.

(19) Wenonah zone. The Wenonah attendance zone is set forth in Attachment X-1. Grade structures shall be:

Wenonah H.S.	10-12
Gaston J.H.S.	6-9
Shannon J.H.S.	1-9
Wenonah E.S.	1-5
Roosevelt E.S.	1-6

Commencing with the 1971-72 school year the county board shall delineate a portion of the northeastern part of the Gaston J.H.S. zone for attendance at either Shades Valley (7-12) or Berry (7-12) as the board may determine. The area shall be sufficiently large that, exclusive of students electing to attend the Homewood schools [see paragraph I(b)], at least 400 black students shall be assigned to Shades Valley/Berry for 1971-72 and at least 500 black students shall be assigned to Shades Valley/Berry for subsequent years. The county board may add to the Wenonah H.S. zone areas from other high schools of the county if the effect is to increase the desegregation at Wenonah H.S.

(20) West Jefferson zone. The West Jefferson attendance zone is set forth in Attachment Z. The West Jefferson school shall provide all twelve grades. See paragraph I(a)(15) for conditions for alteration of zone line between Oak Grove.

(b) Homewood Board of Education ("the Homewood board"). The Homewood board shall implement for the 1971-72 school year and thereafter until this order be modified a student assignment plan under which the percentage of black students at each school in its system is less than 30%. The Homewood board shall be required to accept majority-to-minority transfers and other transfers under the provisions of paragraph IV(a) from the Jefferson County system so long as the Homewood school system has a student enrollment that is less than 25% black, with first priority being given to transfers of black students from Area "A" shown on Attachment K.

(c) Midfield Board of Education ("the Midfield board"). The Midfield board shall be solely responsible for the education of the students residing in the area indicated on Attachment O-1.

Grade structures for 1971-72 shall be:

Midfield H. S. (at Rutledge)	9-12
Rutledge J.H.S.	4-8
Midfield E. S.	1-6
Wilkes E. S.	1-3

These grade structures may be modified by the Midfield board provided substantially the same white-to-black student ratio is maintained at each school in the system. The Midfield board shall be required to accept majority-to-minority transfers and other transfers under the provisions of paragraph IV(a) hereof from the Jefferson County school system so long as the Midfield school system has a student enrollment that is less than 25% black. The Midfield board shall furnish free transportation to students within its school attendance zone but residing outside the city limits and more than two miles from their assigned school.

(d) Pleasant Grove Board of Education ("the Pleasant Grove board"). The Pleasant Grove board shall be solely responsible for the education of the children residing in the area indicated on Attachment T-1 in grades 7-11 for 1971-72 and in grades 1-12 for subsequent years. Twelfth grade students in the Pleasant Grove attendance area for 1971-72 shall be assigned to Hueytown H.S. except as may otherwise be elected under the provisions of paragraph IV(b) hereof. The county board shall for the 1971-72 school year educate the students in grades 1-3 residing outside the Pleasant Grove city limits and as many as 120 students in grades 4-6 residing outside the Pleasant Grove city limits, utilizing the Dolomite school facility for such purpose. The Pleasant Grove board shall educate for the 1971-72 school year all students in grades 1-6 residing in its city limits and any students in grades 4-6 residing outside the city limits as cannot be accommodated by the county board at Dolomite under the preceding sentence. The Pleasant Grove board shall furnish free transportation to students within its school attendance zone but residing outside the city limits and more than two miles from their assigned school. The Pleasant Grove board shall be required to accept majority-to-minority transfers and other transfers under the provisions of paragraph IV(a) hereof from the Jefferson County school system so long as the Pleasant Grove school system has a student enrollment that is less than 25% black. If the Pleasant Grove board is unable to acquire the Woodward school by the beginning of the 1972-73 school year, a new plan shall be prescribed by the court which pairs the schools in the City of Pleasant Grove with the Woodward school.

(e) Vestavia Hills Board of Education ("the Vestavia board"). The Vestavia board shall pair all schools in its system to provide mutually exclusive grades. The Vestavia board shall be solely responsible for the education of students in all grades residing in its city limits and in the area shown on Attachment V. It shall furnish free transportation to those students residing in the areas shown on Attachment V. The Vestavia board shall be required to accept majority-to-minority transfers and other transfers under the provisions of paragraph IV(a) hereof from the Jefferson County school system so long as the Vestavia school system has a student enrollment that is less than 25% black.

II. CONSTRUCTION

The county board is enjoined from any expansion of facilities at any school in the Brighton or Wenonah zones until such time as these zones have a student population of less than 50% black. The county board shall not allow enrollments in the Brighton or Wenonah zones in excess of the state-rated capacities in each facility. Present or future excess capacity in the Wenonah and Brighton zones shall be accommodated by redrawing zones such that sufficient black students are accommodated in adjacent school zones where the racial enrollment more nearly approximates the county-wide ratios. All new construction in Jefferson County is subject to prior approval by the court and, absent exceptional circumstances, enlargement of facilities shall only be allowed at facilities where the student ratio will approximate the county-wide ratio.

III. ALTERATION OF ZONE LINES

(a) The several boards of education affected by this order shall be permitted to change attendance zone lines between two schools in their system if such change achieves further desegregation by reducing the difference between the white-to-black student ratios of the two schools. Such changes may be made without prior court approval; but the board at least three days before effecting such change shall file with the court and on the other parties hereto a specification of the change to be made, showing the change graphically and specifying the enrollments by race at the two schools before and after the proposed change.

(b) The several boards of education affected by this order may re-open schools within their system only with prior court approval. Petitions to the court for re-opening shall include the projected enrollments by race at the school to be re-opened, the enrollments by race at any other school affected by the re-opening both before and after the proposed change, and delineating the attendance area and grade structure proposed for the school to be re-opened.

IV. TRANSFERS

(a) With the approval of the board of education (or both boards, where between systems) a student may transfer--

- (1) from any school which has a 75% or higher enrollment of students of his own race; or
- (2) to any school which has less than 25% enrollment of students of his own race; or
- (3) between schools where the effect is to reduce the difference between the white-to-black student ratios of the two schools.

Such transfers shall be on a space-available basis; but the board of education receiving the student shall not be allowed to refuse transfers under this paragraph to students of one race where a greater number of transfers has been allowed by it for students of another race. A certificate showing the current enrollment of black and white students from the principal of the sending school in (1) and (3) above and from the principal of the receiving school in (2) and (3) above shall accompany the transfer request and be retained by the board.

(b) Students who are scheduled to be twelfth grade pupils for the 1971-72 fall semester shall, notwithstanding the alterations made in this plan, have the option to attend for the 1971-72 school year the school which they attended in 1970-71. This provision shall (1) only be effective for the 1971-72 school year, (2) only apply if the student's attendance at the school during 1970-71 was not contrary to prior desegregation plans, (3) not require the re-opening of a school otherwise closed, and (4) not require the school board to alter bus routes to accommodate such students.

(c) Students attending schools in the Brighton or Wenonah zones where their race is in the majority shall be permitted to attend any other school in the Jefferson County system where their race is in the minority, and shall be given priority to space. Transportation shall be provided if the school to which the transfer is made is within twelve (12) miles of the previous school and is situated in a contiguous school zone. At schools other than those in the Brighton and Wenonah zones a student whose race is in a majority may transfer, on a space available basis, to another school in the same system where his race is in the minority.

(d) The Homewood, Midfield, Pleasant Grove and Vestavia boards shall be required to accept transfers of black students under IV(a) hereof from the Jefferson County school system until the percentage of black students in their system reaches 25%. Students transferring into these systems shall be entitled to transportation on existing bus routes on a space available basis.

(e) The several boards of education affected by this order shall have the right to grant intra-system transfers to students on the basis of exceptional and compelling personal hardship unique to the student or the student's family. In no year may transfers under this provision be granted to more than 1/2 of one percent (.5%) of the total number of students in the system. Such transfers shall be made on a non-discriminatory basis for non-racial reasons and must be supported by detailed documentation of the reasons for the transfer.

(f) The several boards of education affected by this order may receive students from, or send their students to, school systems (in or out of Jefferson County) not affected by this order, but only under the provisions of paragraphs IV(a) and IV(b) hereof. Approval of both boards of education shall be a condition to any such transfer.

V. SEPARATE SYSTEMS

(a) For those systems receiving students from an unincorporated area of Jefferson County and having complete responsibility for educating all students residing in the area for all grades, the Jefferson County board or the tax collector for Jefferson County shall pay to such system the ad valorem school taxes collected from the area for which the separate system is responsible. Where two or more systems are educating students at different grades for the same area, the systems affected shall attempt to negotiate an agreement regarding the division of ad valorem school taxes; and, if negotiations fail, this court retains jurisdiction to resolve these financial questions.

(b) Based upon future annexations and increasing population, each of the separate systems affected by this order shall have a continuing obligation to provide space for students transferring into the separate system until the ratio of blacks enrolled in the separate system is the same as the ratio of blacks enrolled in all schools in Jefferson County serving the area of the county affected by this order.

(c) If, after the date of this order, any part of the area now under the jurisdiction of the county board is hereafter placed in another school system (whether by annexation of current municipalities having separate school systems, or by the establishment of new school systems by current or future municipalities), the municipal system shall make sufficient space available for black students from the county system in such number that, added to the number of black students included in the annexation or new school zone, equals one-third of the white students included in the annexation or new school zone. This requirement shall only be imposed on municipal systems with a black student percentage less than the percentage of black students then in the county system.

(d) The Homewood, Midfield, Pleasant Grove and Vestavia boards shall be required to attain a minimum of 25% black faculty and a minimum of 25% black staff. If further black teachers or staff are required by any of such systems at the time of this order, such systems must first evaluate any black teachers or staff designated by the county board for possible employment, must then evaluate any black teachers or staff requesting to be employed, and must consider new applicants only after fully evaluating the first two classes. Any new school systems formed in Jefferson County after this order shall be required to attain the percentage of black faculty and black staff members that exists in the county system at the time of the formation of the new system, and shall offer to retain all teachers and staff assigned to schools at such time which are to be within the area of the new system.

VI. ENFORCEMENT

(a) On or before the first day of classes for the 1971-72 school year, each of the several boards of education affected by this order shall reassign its faculty and its staff so that the white-black ratio of staff and of faculty assigned to each school is substantially the same as the ratio for staff and for faculty in the system as a whole. These ratios shall be recomputed annually until relieved by the court upon application of the parties. Each such board (and the boards of systems hereafter created in Jefferson County) shall promulgate non-racial objective criteria to be filed with the court and served on the parties by October 1, 1971 (or within 90 days from the date of formation of a new school system). The non-racial objective criteria adopted by the school system shall be used for employment (once the initial requirement specified in V(d) is attained), assignment, promotion and dismissal. Evaluations using the criteria shall be preserved by the various systems.

(b) All students in the area encompassed by this order shall not be permitted to attend a school located outside the attendance zone of their actual residence, nor shall the several boards affected by the order permit students to enroll at schools within their systems except where they actually reside in that school's attendance zone. The only exceptions shall be those provided in paragraph IV hereof. The residence of a student shall be determined by the residence of his parent(s). If the student has no living parents who reside in Jefferson County, the school

assignment shall be determined by the student's actual residence. Guardianships of the estate shall not be used to determine school assignment. Guardianships of the person shall only be accepted if the student actually resides with his custodial guardian. It shall be the duty of the boards of education, the superintendents, and the school principals to insure that the attendance zone lines and the provisions of the order are strictly enforced.

(c) If a student attempts to register at a school other than the school within the attendance zone of his legal residence or attempts to register in violation of this order, his registration shall not be accepted, and he shall not be permitted to attend class or to receive academic credit for attendance at the improper school. The school systems shall reassign students attending out-of-zone to the correct schools and notify each student of his correct assignment.

(d) The several boards of education affected by this order shall by November 1, 1971, develop central address files for all students in their system, including the information reflected on the students' enrollments during the 1970-71 year.

(e) The several boards of education affected by this order shall verify and confirm the truth of any reported change of address occurring since completion of the 1970-71 school year of each white student who previously resided in or was assigned to an attendance zone which for the current year has a white student enrollment of less than 75%. The boards shall direct such steps and make such conclusions as a reasonably prudent person would take to determine the truth of such changes. The procedures adopted shall include, but not be limited to, requiring documentary proof of the student's new address. Neither a rental receipt nor a post office box shall be deemed sufficient without additional proof. A copy of such proof shall be retained by the school system. Each principal shall make a reasonable investigation of all students continuing or beginning to attend his school to assure that the actual residence of the student is within the attendance zone.

(f) A copy of this order shall be publicly posted at all schools in the jurisdiction of the boards affected by this order.

VII. REPORTING

(a) By September 20, 1971, the county board shall, by report to this court (with service on the other parties hereto), describe any options which have been elected by the board under this order.

(b) By January 25, 1972, the several boards of education affected by this order shall report any changes in zones or grade structures.

(c) By October 20 and February 20 of each year, until relieved by order of this court, the several boards of education affected by this order shall file with the court (with service on the other parties hereto) a report containing the following information:

(1) The number of students by race (A) enrolled and (B) attending each school in the system on September 30 and January 30, respectively, subdividing such information by each grade and classroom in the school (and indicating the race of the teacher assigned to such classrooms) and reflecting the total student figures by race for the system as a whole.

If school is not in session on September 30 or January 30, the report shall be made as of the next succeeding school day.

(2) The number of full-time teachers by race employed by the board at each school in the system on the dates indicated in VII(c)(1) above, and indicating the total full-time teacher figures by race for the system as a whole.

(3) The number of part-time teachers by race employed by the board at each school in the system on the dates indicated in VII(c)(1) above, and indicating the total part-time teacher figures by race for the system as a whole.

(4) A list of the requests and the results which have accrued for transfers under the provisions of IV hereof. The report shall give the student's name, date of birth, legal residence, race, parents' names and address, the schools involved, the reason the request for transfer was made, whether the request was granted or denied, and the basis for such disposition.

(5) A list of all students who have switched their residence or zone since conclusion of the prior semester up to the attendance dates indicated in VII(c)(1) above, indicating the student's name, date of birth, the former and new address, the student's race, the schools involved, and the percentage of black students in the two schools involved.

(6) A list of all students (other than those indicated in (4) and (5) above) attending each school in the system while residing in another school zone or district, indicating the student's name, date of birth, legal residence, race, parents' names and address, the schools involved, and the percentage of black students in the two schools involved.

The foregoing report shall be sworn to by the superintendent.

VIII. OTHER PROVISIONS

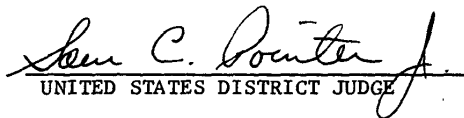
(a) No student in the Jefferson County system or in the separate systems affected by this order will be segregated or discriminated against on account of race or color in any service, facility, activity or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by, or affiliated with, the school in which he is enrolled. A student attending a school for the first time as a result of the orders of this court (as distinguished from a change in residence of the student) shall not be subject to any disqualification or waiting period for participation in athletics or other activities and programs which might otherwise apply because he is a transfer or newly assigned student; provided however that this shall not exempt students obtaining transfers under the provisions of IV hereof from any longstanding, non-racially based rules of any city, county or state athletic association dealing with the eligibility of transfer students for athletic contests. All school use or school-sponsored use of athletic fields, meeting rooms and other school-related services, facilities, activities and programs, such as commencement exercises and parent-teacher meetings which are open to persons other than enrolled students, will be open to all persons without regard to race or color. All special educational programs conducted by the school system will be conducted without regard to race or color.

(b) The following attachments constitute a part of this order and are incorporated by reference as a part hereof: A, B-1, C, D-1, E, F-2, F-3, H-3, H-4, I-3, I-4, J, K, L-1, M-1, N-1, O-1, P-1, Q, R-1, S-1, T-1, U, V, W, X-1, Z, and AA.

(c) The clerk of the District Court for the Northern District of Alabama shall forward this order, and all other papers and pleadings on file since the appeal of this case, to the Court of Appeals in conjunction with the other pleadings and papers transmitted.

(d) Counsel are cautioned that any appeals from the changes made by this order are to be processed in accordance with Part III of Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir., 1969), with the change however that three legible copies of all matters pertinent to the issues presented on the appeal are to be filed. No extension from the schedule established in Singleton will be allowed except by order of the panel of the Fifth Circuit to which the appeal is assigned.

DONE and ORDERED this the 8th day of September, 1971.


UNITED STATES DISTRICT JUDGE

EXHIBITS TOO LARGE FOR

SCANNING-SEE ORIGINAL

FILE

(MAPS)