

Mississippi School District Case

Background:

In March, the Office for Civil Rights at the Department of Education received a complaint regarding the DeSoto County, Mississippi, School District, alleging that the district violated Title VI of the Civil Rights Act by: separating Hernando High School students on the basis of race for class elections and other elections for student body activities (such as the homecoming court); requiring co-class officers (one white and one black), with no representational opportunities for ethnic minorities; conducting school sponsored activities where no interracial couples are allowed and racially mixed activities are discouraged; and continuing a system, (established at the time of desegregation) requiring co-principals, one white and one black.

On Friday, OCR finalized a voluntary compliance agreement with the district, in which the district pledged to discontinue its single-race elections and to eliminate the practice of having one black and one white principal at the high school upon the retirement or reassignment of the current co-principals. Prior to reaching the agreement, OCR had determined that there was no basis for the allegations with respect to discouragement of interracial activities.

Q: Do you have any comment on the settlement agreement between the Department of Education and the DeSoto County School District?

A: We appreciate the cooperation of this district in agreeing to discontinue its discriminatory practices concerning separation of students on the basis of race for student elections, and with regard to hiring of school officials. These sensible steps help us to make progress towards the President's goal of becoming One America in the Twenty-First Century.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

FAX TRANSMITTAL

TO: Allison / Bill / Mike

ORGANIZATION: LPC

PHONE NUMBER: -

FAX NUMBER: 456-5581

FROM: Julie Green

~~PHONE NUMBER:~~ 9p total

MESSAGE: F4I re: civil rights compliance case

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 PAGE(S) TO FOLLOW

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, SOUTHERN DIVISION, DALLAS OFFICE
TEXAS, ARKANSAS, LOUISIANA, MISSISSIPPI, OKLAHOMA

Harwood Center Suite 2600 1999 Bryan Street Dallas, Texas 75201 214-880-2463

October 31, 1997

Ref:06971345

Mr. Jerry R. Baird, Superintendent
DeSoto County School District
425 East Commerce Street
Hernando, Mississippi 38632

Dear Superintendent Baird:

On May 27, 1997, the United States Department of Education, Office for Civil Rights (OCR) received the above referenced complaint filed against the DeSoto County School District (DCSD). The complaint alleged that the DCSD discriminates on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964 (Title VI) as amended, and its implementing regulation at 34 C.F.R. Part 100 in the following areas:

- 1) Separating students on the basis of their race for class elections and conducting student body elections for school sponsored activities on the basis of race/ethnicity (e.g. separate positions only for blacks or whites;
- 2) Requiring co-class officers, one white and one black, and no representational opportunities for ethnic minorities;
- 3) Conducting school sponsored activities where no interracial couples are allowed to participate and racially mixed activities are discouraged or not permitted to occur;
- 4) Maintaining a personnel practice established at the time of desegregation requiring co-principals, one white and one black, which perpetuates vestiges of the former segregated school system.

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Title VI states in part:

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

OCR determined that the DCSD is a recipient of Federal financial assistance from the U.S. Department of Education which provided OCR with jurisdiction to investigate the allegations under the Title VI implementing regulation. However, during the course of the investigation, the DCSD notified this Office that it would like to forego further investigative activity and proceed directly to a resolution of the complaint allegations. Information had already been acquired indicating that there was no evidence to support Allegation 3 and the complainant was unable to provide any information in support of that charge. Thus, no further action was necessary regarding Allegation 3.

The DCSD subsequently submitted the attached voluntary Commitment To Resolve (CTR), received on October 27, 1997, which OCR has determined will appropriately resolve allegations 1, 2 and 4 delineated above.

Submission of the resolution document demonstrates the DCSD formal commitment to equal educational opportunity and its willingness to work proactively to maintain compliance with the applicable sections of the regulation implementing Title VI. The CTR agreement, combined with the OCR determination that Allegation 3 was without merit provides a sufficient basis for resolution of this case. Therefore, this case is being closed as of the date of this letter.

Assistance is available through Federally funded Desegregation Assistance Centers (DAC) to provide essential guidance and technical direction to school systems seeking to comply with various Federal civil rights statutes. The DAC office serving the State of Mississippi can be reached at the address provided below:

Dr. Nancy Peck, Executive Director
Desegregation Assistance Center
8603 South Dixie Highway, Suite 304
Miami, Florida 33143

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Actual implementation of the CTR agreement will be monitored by OCR through submission of periodic progress reports describing the progress made toward implementation of specific CTR initiatives as agreed. Please be advised that as a formal document between the DCSD and OCR, failure to properly implement all or a portion of the commitment could result in a reopening of the case and resumption of the investigative process.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent protected by law, personally identifiable information which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This Office appreciates your commitment to civil rights compliance. If you have any questions, please contact me at 214/880-2463.

Sincerely,



Taylor D. August, Director
Southern Division, Dallas Office
Office for Civil Rights

Attachment

**Commitment To Resolve
Case Number 06971348
Desoto County School District**

The Desoto County School District (DCSD) submits the following Commitment To Resolve (CTR) document as a formalized agreement between the DCSD and the Office for Civil Rights (OCR). Implementation of the measures specified in this document will resolve compliance allegations delineated in the above referenced complaint. The agreement provides a categorical framework from which to address each applicable allegation by the affected campus and the pertinent actions that will be taken to resolve the issue in question. Implementation of this agreement will be monitored through the District's submission of a progress report(s) as delineated in the monitoring section of this document.

Action Measures by Individual Campus

Hern Lake Middle School

Class Favorites

1996-1997 Practice - Selection of class favorites required a black student and white student co-nominee from each homeroom to be voted upon.

Resolution Commitment - Selection of class favorites will be accomplished through open student elections without co-nominations based on race in the 1997-1998 school year and each school year thereafter.

Hernando High School

Class Officers (President)

1996-1997 Practice - Co-nominations were required for each grade for a black co-president and a white co-president. All students voted in both categories. Co-presidents were selected by student election in the late spring of 1997 for the 1997-1998 school year.

Resolution Commitment - Open student elections will be held without co-nominations or co-presidents and without regard to race in the Spring of 1998 for one Class President position for the 1998-1999 school year and each year thereafter.

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Class Officers (Vice-President, Secretary/Treasurer)

1996-1997 Practice - The positions of class vice-president and secretary/treasurer were designated white or black on an alternating basis each year. If a student of another ethnic origin sought one of the positions above, that student was allowed to choose which ballot (white or black) that they wished to compete. All students in each grade would vote for their choice.

Resolution Commitment - Commencing in the 1998-1999 school year and each school year thereafter, open student elections will be held without regard to race in the Spring of each year for the position of class Vice-President and Secretary/Treasurer.

Homecoming Queen

1996-1997 Practice - Senior class chooses four representatives (two black and one white) to represent their class on the Homecoming Court. From the four winners, two will be crowned Homecoming Queens (one black and one white).

Resolution Commitment - Commencing in the 1997-1998 school year and each year thereafter, open student elections will be held without regard to race for the honor of Homecoming Queen.

Homecoming Court

1996-1997 Practice - Co-nominations were required for each grade/class for white and black student Homecoming Maids. Black and white Homecoming Maids were selected by student election held in the fall of the 1996-1997 school year.

Resolution Commitment - Commencing in the 1997-1998 school year and each school year thereafter, co-nominations will be eliminated and open student elections will be held without regard to race in the Fall of each school year for Homecoming Maid.

Beauty Review

1996-1997 Practice - Co-nominations were required for each grade for white and black student representatives. All students of a grade vote for a black and white student representative for the grade.

Resolution Commitment - Co-nominations will be eliminated and open student elections will be held without regard to race for the 1997-1998 school year and each school year thereafter.

1996-1997 Practice - Co-nominations were required for each grade for a minority and majority Princess. Princesses were selected by a student election held in the fall each school year.

Resolution Commitment - Winter Princesses will be selected by open student elections without co-nominations or regard to race in the Fall of the 1997-1998 school year and each school year thereafter.

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Who's Who (Class Favorites)

1996-1997 Practice - Class favorites required co-nominations for majority and minority students for each class. Who's Who were selected by student election held in the fall of the 1996-1997 school year.

Resolution Commitment - Open student elections for Who's Who and class favorites will be held without co-nominations or regard to race in the fall of the 1997-1998 school year and each school year thereafter.

Support Measures

Further, the DCSD will initiate steps to facilitate transition from the former race based selection process to an open, nonracial process that ensures that a competitive election process will be established and maintained without regard to race. To do so requires the DCSD to adopt the following measures:

- 1. Provide guidance to administrators, faculty, students and staff, which adequately conveys the message that the practice of race based selection(s) for various student honors and recognition(s) is unacceptable and inconsistent with Federal law.**

The DCSD's strategy will include developing, publishing and disseminating nonracial, objective policies and procedures for these selections and elections. Publication of the policies and procedures will occur in student/faculty handbooks.

Further, the DCSD will identify student "honor/recognition" positions (co-curricular and extra-curricular) where the nomination/selection/election process for the position is based on school-wide/class open voting. The DCSD will also encourage, through

administrators, faculty and counselors, participation of students from diverse racial, ethnic groups.

2. Facilitate communication and group interaction within affected DCSD schools among various ethnic groups to promote "multi-racial awareness" and "winning spirit/behaviors" that support fair, effective and racially/ethnically inclusive student nomination/election procedures.

DeSoto County Public School District will, at all times, be sensitive to the needs of all students. As situations/opportunities arise, the DeSoto County Public School District will encourage through administrators, faculty, and counselors participation of students from racially/ethnically diverse groups working together toward mutually compatible goals and objectives.

Monitoring Component

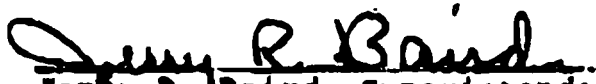
In order that the preceding resolution commitment is implemented in an appropriate and timely manner, it is necessary that the DCSD submit periodic progress reports to OCR providing sufficient specificity to ascertain that the commitment has achieved its intended purpose. Accordingly we ask that reports be submitted to OCR on or before the dates indicated below to properly assess the DCSD's efforts in this regard:

- By November 21, 1997, the DCSD will submit to OCR evidence demonstrating that the former racially based selection process for all types/forms of student honors/recognition has been discontinued at all affected campuses in the DCSD.
- By November 21, 1997, the DCSD will submit to OCR evidence demonstrating that a program has been developed and implemented system-wide, as delineated in item 1 above. Please include in subject report component, documentation the revised policies/procedures have been developed and disseminated in appropriate publications to students, faculty, and staff.
- By November 21, 1997, the DCSD will submit to OCR evidence demonstrating that the action measure described in item 2 has been developed and implemented

and implemented system-wide, as delineated in item 1 above. Please include in subject report component, documentation the revised policies/procedures have been developed and disseminated in appropriate publications to students, faculty, and staff.

- By November 21, 1997, the DCSD will submit to OCR evidence demonstrating that the action measure described in item 2 has been developed and implemented as a preliminary to actual student election/selection activities to facilitate open and diverse representation in all honor/recognition categories.
- The DCSD will eliminate the practice of having a white and a black principal at Hernando High School not later than September 1, 1998. Evidence to this effect will be submitted to OCR within 10 working days following either the retirement or reassignment of the current (1997-1998 school year) Hernando High School co-principals. The DCSD commits that there will be no co-administrative/professional positions in the DCSD subsequent to discontinuation of the current practice at Hernando High School.

Executive Approval:


Jerry R. Baird, Superintendent
DeSoto County School District
Hernando, Mississippi