

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

KENNETH W. ADAMS, et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:67-CV-4156-KHJ-MTP

RANKIN COUNTY SCHOOL
DISTRICT, et al.

DEFENDANTS

ORDER

This cause is before the Court on Defendant Rankin County School District’s (“District”) [98] Motion for Declaration of Unitary Status and Plaintiffs’ [155] Motion to Exclude¹ and [175] Motion for Judicial Notice. For the reasons below, the Court grants the [98] Motion and denies the [155, 175] Motions.

I. Background and Procedural History

A. 1967–69: Post-*Brown* Litigation and Early Desegregation Efforts

Following the United States Supreme Court’s landmark ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954), Kenneth Adams and other school-age black children (“Plaintiffs”) sued the District for injunctive relief under 42 U.S.C. § 1983 alleging unlawful segregation in violation of the Fourteenth Amendment to the United States Constitution. Compl. [83-1]. This Court promptly ordered the District to desegregate its schools and to eliminate the effects of the dual system.

¹ Plaintiffs’ [155] Motion seeks to exclude in part Dr. Christine Rossell’s expert opinions. *See* Mot. to Exclude [155]; Mem. in Supp. [156]. The Court deferred ruling on the [155] Motion and resolves it here. *See* 11/21/2025 Text Only Order.

See J. [105-1] (“1967 Order”).² As a remedy, the Court adopted a freedom-of-choice plan, allowing students to choose their schools and implementing other measures to end segregation across the District. *Id.* at 1–16. The 1967 Order preserved the parties’ rights to modify the plan, and Plaintiffs moved to do so the following year. *Id.* at 14; *see also* Order [181-1] at 2–3 (describing procedural history). Meanwhile, the United States Supreme Court decided *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969), condemning lower courts’ “all deliberate speed” standard and ordering instead that schools must “terminate dual school systems at once.”

B. 1969–73: *Singleton* and the District’s Initial Unitary School Plan

Almost immediately after the Supreme Court issued *Alexander*, the United States Court of Appeals for the Fifth Circuit effectuated it in *Singleton v. Jackson Municipal Separate School District*. 419 F.2d 1211, 1216 (5th Cir. 1969) (applying *Alexander*’s immediacy mandate to “all other school cases now being or which are to be considered in this or the district courts of this circuit”). Conforming to *Singleton*, this Court ordered the District to work with the U.S. Department of Health, Education, and Welfare to propose a new desegregation plan. *See* [181-1] at 2–3.

In early 1970, this Court adopted a “Unitary School Plan” (“1970 Order”) organized in six areas: (1) faculty and staff desegregation, (2) majority-to-minority transfer policy, (3) student transportation, (4) school construction and site selection,

² The Court takes judicial notice of its own records and proceedings in this case. *See* Fed. R. Evid. 201; *Saucier v. U.S. Fid. and Guar. Co.*, 765 F. Supp. 334, 336 (S.D. Miss. 1991).

(5) attendance outside system of residence, and (6) pupil assignment. *Id.* at 14–16. The United States entered the case as amicus curiae the following year. *See* Original Dkt. Sheet [7] at 6 (02/26/1971 entry).

C. 1973–2012: Evolving Unitary Status Programs

In 1973, the Fifth Circuit identified deficiencies in the District’s plan and ordered this Court to implement measures to correct them. *See Adams v. Rankin Cnty. Bd. of Educ.*, 485 F.2d 324, 325–28 (5th Cir. 1973) (per curiam). On remand, the Court entered a Consent Order (“1973 Order”) setting out new requirements for attendance zones, in-school assignment, extracurricular activities, and monitoring and reporting. *See* Order [83-3].

The District operated under the 1973 Order until school overcrowding necessitated an updated plan. In August 1978, the Court entered a new Consent Order (“1978 Order”) reworking the existing attendance zones and desegregation measures. Order [181-2]. Among other things, the 1978 Order mandated (1) that the percentage of black students in any school not exceed 45% or fall below 12%, (2) that all schools be operated without racial discrimination, (3) that the District take affirmative steps to ensure proportionate black participation in all student and faculty activities, (4) that the District ensure black representation in all professional, administrative, and non-professional employment areas, (5) that the District achieve a ratio of at least 28% black staff at every grade level in “all categories,” and (6) that the District comply with revised reporting requirements. *Id.* at 4–7. The 1978 Order was “supplemental” to the 1970 Order and 1973 Order

and “all matters not inconsistent with those orders remain[ed] in full force and effect.” *Id.* at 6.³

D. 2012–24: *Green* Orders and Partial Unitary Status

In 2012, the Court entered another Consent Order (“2012 Order”) clarifying that, consistent with the Supreme Court’s holding in *Green v. New Kent County Board of Education*, 391 U.S. 430 (1968):

the racial composition of each school within the Rankin County School District shall reflect the racial composition of the Rankin County School District as a whole. The percentage of [black] students at each school within RCSD shall be within twenty percent above or twenty percent below the overall percentage of [black] students attending RCSD schools. The percentage of [w]hite students at each school within RCSD shall be within twenty percent above or twenty percent below the overall percentage of [w]hite students attending RCSD schools.

Order [181-3] at 9. Except as modified by the 2012 Order, the Court’s prior orders “remain[ed] in full force and effect according to their tenor.” *Id.* at 10.

The District operated with minimal Court involvement until October 2019 when it filed its [88] Unopposed Motion for Declaration of Partial Unitary as to its facilities and transportation. *See* Mot. [88]; Mem. in Supp. [89]. The Court granted the District’s motion (“2019 Order”), retaining jurisdiction over “extracurricular activities, faculty assignment, staff assignment, student assignment, and quality of education.” Order [90] at 13.

³ The 1978 Order also applied to the Pearl Public School District, a separate school district that sits within the District’s geographical boundary. *See* [181-2] at 2; *see also* District Map [181-8]. These proceedings do not involve Pearl Public School District.

E. 2024 to Present: Final Unitary Status Proceedings

On August 2, 2024, the District filed the [98] Motion presently before the Court, asking the Court to grant complete unitary status, dissolve all injunctions, and dismiss the case with prejudice. Mot. [98]; Mem. in Supp. [99]. Discovery ensued, and Plaintiffs filed their [150] Response in May 2025. *See* Scheduling Order [111], Resp. in Opp'n [150]. Neither the United States nor Pearl Public School District oppose the District's [98] Motion. *See* U.S. Resp. [148]; Pearl Public School District Resp. [149].

The Court scheduled a hearing on the District's [98] Motion and directed the District to publish notice of the hearing in local newspapers, in its administrative office, and in each District school. Order [154]. The notice permitted interested persons to submit written objections or comments and to address the Court during the hearing. Notice [154-1].

The hearing occurred September 16–18, 2025. *See* 09/16/2025–09/18/2025 Min. Entries. For the District, the Court heard testimony from Assistant Superintendent Dr. Amanda Stocks, Assistant Superintendent Dr. Undray Scott, Human Resources Director Anitra Hollis, and Dr. Christine Rossell, the District's expert. Two experts, Dr. Erica Frankenberg and Dr. Jamilia Blake, testified for Plaintiffs. The Court also permitted three private citizens—a former student, her mother, and a former District employee—to make statements.

After the hearing, the Court directed the Parties to submit proposed findings of fact and conclusions of law. 09/19/2025 Text Only Order. Having reviewed the

testimonial evidence, exhibits, and briefing, and for the reasons stated, the Court declares the District fully unitary.

II. Overview of the Rankin County School District

Located in central Mississippi, Rankin County consists of 775 square miles and is the fourth largest county in Mississippi. Trial Tr. vol. 1 [177] at 59. As of 2024, Rankin County’s population totaled 160,573 people, of whom 120,690 (75.2%) were white and 36,024 (22.4%) were black. *See* Stipulation [170]. Two school systems serve Rankin County—the District and Pearl Public School District. [177] at 59; *see also* [181-8] at 2.

The District is the second largest public school district in Mississippi, and the largest employer in Rankin County. [177] at 59–60. It operates 28 schools across eight attendance zones.⁴ *Id.* at 60; [181-8] at 2. Additionally, the District operates an alternative school, The Learning Center, that is not part of any attendance zone.

⁴ Plaintiffs ask the Court to take judicial notice of which schools served white students and which served black students under de jure segregation. *See* Mot. [175]; Mem. in Supp. [176]. There are two problems with this request.

To begin, Plaintiffs do not explain the relevance of these distinctions, and the Court sees none. Perhaps they mean to address the burden-shifting issue the Fifth Circuit addressed in *Price v. Austin Independent School District*, 945 F.2d 1307, 1313 (5th Cir. 1991). But that is unnecessary. The District concedes its burden to prove good-faith compliance with the Court’s orders and the practicable elimination of segregation. [99] at 6. It has not asked the Court to excuse any schools from this standard. Because the District’s burden is not school-specific, Plaintiffs’ proposed distinctions are irrelevant and the Court declines to judicially notice them. *See Trosclair v. Freedom Mortg. Corp.*, No. 1:23-CV-336-TBM-RPM, 2024 WL 4957593, at *3 (S.D. Miss. Sept. 27, 2024) (“Courts may not, however, take judicial notice of irrelevant facts.”)

Second, the “facts” Plaintiffs ask the Court to judicially notice—the number and names of schools that served black students or white students during segregation—are “subject to reasonable dispute” and, therefore, fall outside the scope of Federal Rule of Evidence 201. The Court DENIES the [175] Motion.

[177] at 59; [181-8] at 2. In the 2025–26 school year, the District served 17,941 students, of whom 62.6% were white, 28.9% were black, and 8.5% were other minorities. Student Enrollment Chart [181-9] at 3.

III. Standard

The “ultimate goal” of school-desegregation litigation “is to transition to a unitary, nonracial system of public education.” *Borel on behalf of AL v. Sch. Bd. of Saint Martin Par.*, 44 F.4th 307, 313 (5th Cir. 2022) (citation modified). And the “ultimate inquiry” in deciding a district’s unitary status is whether it has (1) “complied in good faith with desegregation orders for a reasonable amount of time,” and (2) “eliminated the vestiges of prior de jure segregation to the extent practicable.” *Anderson v. Sch. Bd. of Madison Cnty.*, 517 F.3d 292, 297 (5th Cir. 2008) (citation modified).

To satisfy the first *Anderson* prong—compliance—a school district must demonstrate consistent, good-faith compliance with a court’s desegregation orders. *Id.* (citation modified). Because unitary is “not a precise concept,” the reviewing court must make a “careful assessment” of the facts, paying “particular attention to the school system’s record of compliance.” *Freeman v. Pitts*, 503 U.S. 467, 474, 487, 491 (1992).

The second *Anderson* prong—remedying past segregation—requires a district to prove it has made “every reasonable effort . . . to eradicate segregation and its insidious residue.” *Anderson*, 517 F.3d at 298 (citation modified). The law does not

require “complete racial balance” but that the school system “has done all that it could to remedy the segregation caused by official action.” *Id.* (citation modified).

Ultimately, the “end purpose” of desegregation litigation is to cure any constitutional violations and “restore state and local authorities to the control of a school system that is operating in compliance with the Constitution.” *Freeman*, 503 U.S. at 489. To that end, district courts should return control to local authorities “at the earliest practicable date” once a school district remedies any constitutional violations. *Id.* at 490.

IV. Analysis

This case turns almost entirely on racial disparities. Plaintiffs scrutinized years of the District’s operating data—data about student enrollment, faculty and staff composition, discipline, extracurricular participation, and more—and found what they call “stark racial disparities” between black and white representation. *See, e.g.*, [150] at 17. They claim these disparities prove segregation persists in Rankin County schools and that the District has not done enough to remedy it.

The District does not dispute that racial imbalances exist in some parts of its organization. What it denies is that those imbalances stem from prior segregation.

Racial imbalances alone cannot doom unitary status. *See Freeman*, 503 U.S. at 491. Instead, the Court must answer two questions: Has the District complied in good faith with its desegregation obligations for a reasonable time? If so, has the District taken every practicable measure such that current racial imbalances are

“not traceable, in a proximate way” to the dual school system? *Id.* at 491–92. The Court answers “yes” to both questions.

The Supreme Court has identified six aspects of a school system—referred to as the *Green* factors—that a district court must evaluate before declaring a school system unitary: student assignment, faculty and staff assignment, facilities, transportation, and extracurricular activities.⁵ *Anderson*, 517 F.3d at 298 (citing *Bd. of Ed. of Okla. City Pub. Schs. v. Dowell*, 498 U.S. 237, 250 (1991) and *Green*, 391 U.S. at 435). Ancillary factors like “quality of education” are relevant too. *See Freeman*, 503 U.S. at 482–83.

The District achieved unitary status in facilities and transportation years ago, so the Court focuses here on the areas it still supervises: student assignment, faculty and staff assignment, quality of education, and extracurricular activities.⁶ *See* [90] at 13 (granting partial unitary status). The Court proceeds in two steps. First, it assesses whether the District has proven good-faith compliance with the whole of the Court’s desegregation orders for a reasonable time. Then, for each remaining supervised area, the Court (1) identifies the legal standard, (2)

⁵ *Green* recognizes faculty assignment and staff assignment as two factors, but some courts address them together because of their similarities and often-overlapping data. *See Green*, 391 U.S. at 435 (identifying faculty and staff as separate unitary-status factors); *Anderson*, 517 F.3d at 303–05 (examining faculty and staff together). The parties analyze these factors together, so the Court does too.

⁶ The District’s [98] Motion does not distinctly request unitary status on quality of education. *See* [98] at 5–6. But the District does argue that its student discipline is desegregated, and it asks the Court to declare it fully unitary, dissolve all injunctions, and dismiss the case with prejudice. *Id.* at 6. It also presented quality-of-education evidence at the fairness hearing. The Court construes the District’s [98] Motion to seek complete unitary status, including as to quality of education.

summarizes any operative orders, (3) examines the District’s current policies and practices, and (4) explains why the District has met its burden to eliminate—to *the extent practicable*—any remnants of past discrimination.

A. Overarching Good-Faith Compliance

To satisfy *Anderson*’s first prong—compliance—the District must prove consistent, good-faith compliance with the Court’s desegregation orders. *Anderson*, 517 F.3d at 297; *see also Freeman*, 503 U.S. at 491 (guiding courts to consider a district’s “good-faith commitment to the whole of the court’s decree and to those provisions of the law and the Constitution that were the predicate for judicial intervention in the first instance.”). In the Fifth Circuit, good-faith compliance requires operating as a unitary system “for several years” and reporting to the district court “for at least three years.” *Anderson*, 517 F.3d at 297 (citation modified).

The District has satisfied both obligations for far longer than the law requires. This case started in 1967. Soon afterward, the Court issued its “Opinion and Order Providing for Unitary School System,” and the District has been operating as a “unitary system,” *i.e.*, a system without formally segregated schools, since then.⁷ *See generally* [181-1]. Over the years, the District has complied with abundant information requests, site visits, and other monitoring. *See* [90] at 5–6

⁷ Courts have used the term “unitary” inconsistently. *See Dowell*, 498 U.S. at 245 (explaining lower courts’ confusion). The Court uses the phrase “operating as a unitary system” to describe the District’s status leading up to this Order and to satisfy *Anderson*’s “for several years” requirement. *See Anderson*, 517 F.3d at 297. This is distinct from the Court’s ultimate finding that the District has achieved full “unitary status.”

(compliance history). It has been a willing participant to several consent decrees throughout these proceedings. *See, e.g.*, Order [40]; Order [82]; Order [86]. Simply put, the District's decades-long good-faith cooperation is hard to deny. Even Plaintiffs commend the District's progress, positively noting that it "has changed significantly" in the decades since this case started. [150] at 7.

The District has reported to the Court for years too. *See, e.g.*, Notice of Ct. Report for 2018–19 [93]; Notice of Ct. Report for 2025–26 [187]. At the hearing, the parties' evidence and testimony further illustrated that long-running compliance. *See, e.g.*, Rossell Report [181-5] at 6 (analyzing data from 1967–2023); Frankenberg Report [180-2] at 6 (analyzing data beginning in 2021); [177] at 89–90 (testimony about 10 years of gifted enrollment).

For these reasons, the Court finds the District has operated as a unitary system and has reported to the Court long enough to satisfy *Anderson's* first unitary-status prong.

Plaintiffs resist this conclusion on two grounds: (1) some desegregation measures are new and lack three years of data, and (2) some of the District's data is incomplete or inaccurate. *See, e.g.*, [150] at 19 (two-year-old gifted-program policy), 20 (insufficient accelerated-study data tracking). Neither tips the scales in their favor.

As to the new-initiative argument, the Court finds that the District's ongoing improvements bolster its unitary status rather than weaken it. True enough, some of the District's efforts are new, for example its expanded gifted-program screening.

See id. at 19. Even setting those measures aside, however, the record demonstrates the District’s good-faith compliance and a continuing commitment to desegregation. Some newer projects do not yet have three years of data, but that is not reason enough to deny unitary status. *See Anderson*, 517 F.3d at 298 (the record “viewed in its entirety” plausibly established the school system’s compliance for three or more years).

The incomplete-records argument fails too. To be fair, the District’s data collection is far from perfect. *See, e.g.*, [180-2] at 9 (reporting incomplete data); Blake Report [180-11] at 6 (same); *see also* Notice of Supp. to 2024–25 Ct. Report [190] at 1 (unable to report student data “due to an issue with the Student Information System database”). True too, the District does not track every metric it could. *See* [150] at 29. On the other hand, the record contains volumes about student enrollment, faculty and staff demographics, extracurricular participation, discipline, and more. And that data spans decades. So, while flawless, uninterrupted records might make the Court’s job easier, the District has nevertheless produced sufficient evidence to prove its good-faith compliance and its “commitment to the whole” of the Court’s desegregation decrees. *Freeman*, 503 U.S. at 491.

In sum, the Court finds the District has operated a unitary system, reported to the Court, and complied in good faith with the whole of its orders long enough to demonstrate unitary status. Those overarching prong-one requirements are satisfied. *See Anderson*, 517 F.3d at 297–98.

B. Area-Specific Compliance: Elimination of Vestiges of Discrimination

The Court now turns to the remaining areas under its supervision—student assignment, faculty and staff assignment, discipline, and extracurricular activities—asking for each whether the District has complied with the Court’s orders and whether it has done enough to eradicate segregation. *Id.* at 297. For the reasons below, the Court finds that (1) the District’s current policies and practices are race-neutral and comply in good faith with the Court’s orders and (2) the District has done everything practicable to eliminate the vestiges of discrimination.

1. Student Assignment

Plaintiffs oppose the District’s student-assignment unitary status on three grounds: (1) some schools’ student populations are identifiably black or identifiably white; (2) the District’s transfer policies worsen segregation; and (3) the District’s gifted and advanced study programs are identifiably white. [150] at 13–21. The Court first provides the legal standard and summarizes its student-assignment orders. Then it addresses Plaintiffs’ three areas of opposition.

a. Legal Standard

Plaintiffs’ opposition to the District’s student-assignment unitary status hangs on racial imbalances. And a “critical beginning point” of assessing those imbalances is comparing “the proportion of majority to minority students in individual schools with the proportions of the races in the district as a whole.”

Freeman, 503 U.S. at 474. “While racial imbalance in a particular school is relevant for that purpose, racial imbalance, without more, does not violate the Constitution.”

Anderson, 517 F.3d at 299. Rather, a school district seeking unitary status bears

the burden of showing that any current imbalance is not traceable, in a proximate way, to prior de jure segregation. *Freeman*, 503 U.S. at 494.

b. Court Orders

The Court has taken varied approaches to student assignment throughout this litigation. In 1970, it ordered the District to adhere to geographic attendance zones, adopt majority-to-minority transfers (whereby students whose race was in the majority could petition to transfer to a school where their race was in the minority), and grant student transfers on a “non-discriminatory basis.” *See generally* [181-1]. The 1973 Order added that the District “not assign students to grade sections or classrooms on the basis of sex or race” and that no classroom or grade section be “identifiable as tailored” for only white or black students. [83-3] at 3.

The 1978 Order was more specific. There, the Court required every District school to have a black student population between 12% and 45%. *See* [181-2] at 4. More generally, the Court reiterated that the District shall operate all schools “without racial discrimination.” *Id.* at 5.

The student-assignment benchmark changed again in 2012 when the Court ordered—consistent with *Green*—that schools’ racial compositions “shall reflect the racial composition of the Rankin County School District as a whole.” [181-3] at 9. More specifically, the percentage of black or white students at each District school should be within 20% above or 20% below the overall percentage of black or white students in the District, respectively. *Id.* The 2012 Order specified that prior orders

remained in full force and effect “[e]xcept as modified [t]herein.” *Id.* at 10. The Court finds that the 2012 Order modified the 1978 Order regarding students’ racial composition, so the +/- 20% deviation standard governs today.⁸

c. Campus-Level Racial Composition

Campus-level student diversity is the heart of Plaintiffs’ first argument. They say the District cannot be unitary because some schools missed the +/- 20% benchmark. [150] at 13. But the Court finds the District’s student assignment policies to be race-neutral and its slight racial imbalances to be unrelated to any prior segregation. Furthermore, the Court finds that the District has taken every practicable measure to eliminate any remnants of segregation from its campus-level racial compositions.

Start with the District’s overarching student assignment policy. By default, the District expects all students to attend school in their residential attendance zones. *See* Transfer Policy [181-10] at 2. The Court has approved and modified the District’s attendance zones throughout this litigation—with the parties’ consent. *See, e.g.*, [181-2] (1978 Order establishing zones); [82] (2012 Consent Order modifying zones). No one disputes that the District’s student assignment policy is

⁸ Because the 2012 Order superseded the 1978 Order on this issue, the Court need not consider whether the District missed the 12% to 45% target. *See* [150] at 13 (arguing that both standards govern). Still, very few District schools missed that benchmark during the five-year data set presented to the Court. *See generally* [181-9]. And those deviations were slight. Florence Elementary School was the biggest outlier with a 9.7% black student population in 2021–22, still close to the 12% mandate. *Id.* at 5. And it was back in-range the following school year. *Id.* at 4. So even if the 1978 target still applied, the Court would not withhold unitary status based solely on these few, relatively small imbalances. *See Anderson*, 517 F.3d at 299 (“racial imbalance, without more, does not violate the Constitution”).

race-neutral. The Court finds this policy satisfies the 1978 Order that all schools operate “without racial discrimination.” *See* [181-2] at 5.

Next consider what the data shows about the District’s campus-level diversity. The District introduced its student enrollment data for 2020–21 through 2023–24, and 2025–26, broken down by race.⁹ *See generally* [181-9] at 2–8. The District’s black student enrollment was 100% compliant for all five years in the data set.¹⁰ *Id.*; [177] at 68–72. Its white student enrollment, while not perfect at every school for every year, still by and large met the +/- 20% target for the five-year period. *See* [181-9].

Take a closer look at the District’s white student enrollment. For the 2020–21 school year, the District hit the +/- 20% target at every school. *Id.* at 7–8. **For the remaining four years, enrollment data revealed a few outliers:**

- 2021–22 School Year: 66.31% of the districtwide student population was white, resulting in a 46.31% to 86.31% compliance range. Two schools were outliers: Florence Elementary School (87.64%) and Flowood Elementary School (44.61%).
- 2022–23 School Year: 66.59% of the districtwide student population was white, resulting in a 46.59% to 86.59% compliance range. Again

⁹ In total, the District produced student enrollment data for six school years (2020–21 through 2025–26), but the parties consented to exclude the 2024–25 data to resolve a discovery dispute. [177] at 9–10.

¹⁰ Plaintiffs’ only dispute on this point concerns the District’s alternative school, The Learning Center. [150] at 14; [180-2] at 9–10. In 2022–23, The Learning Center’s student population was 48.7% black, slightly above range. *See* [181-9] at 5 (2022–23 range was 7.12% to 47.12%). But just the prior year, The Learning Center was 60.5% white and only 28.9% black, markedly different. *See* [180-2] at 9–10. The record is silent about The Learning Center’s enrollment data for other years. In the Court’s view, a single out-of-range year at a small alternative school does not undermine the District’s otherwise perfect compliance for its black student population, especially considering that student disciplinary actions are highly individualized and state law primarily governs the District’s alternative school placements. *See* Miss. Code Ann. § 37-13-92.

only two schools were outliers: Florence Middle School (87.10%) and Flowood Elementary School (46.31%).

- 2023–24 School Year: 65% of the districtwide student population was white, resulting in a 45% to 85% compliance range. Three schools were outliers: Florence Middle School (85.5%); Pisgah Elementary School (85.2%); and Pisgah High School (86.3%).
- 2025–26 School Year: 62.6% of the districtwide student population was white, resulting in a 42.6% to 82.6% compliance range. Five schools were outliers, but still not by much: Florence Elementary School (83.7%); Florence Middle School (84.1%); Flowood Elementary School (41.3%); Pisgah Elementary School (83.2%); and Pisgah High School (84.4%).

See generally id. In other words, only a handful of the District’s 28 schools ever fell out-of-range for this period of time—and barely so.

To provide context for its racial composition, the District looked to Dr. Christine Rossell, Professor Emerita of Boston University.¹¹ Dr. Rossell has extensive experience researching, teaching, and designing desegregation plans. She has served as a desegregation expert in “almost [100] cases,” including other unitary status proceedings before this Court. *See* [182] at 252; Order [98-1] (Madison County School District unitary status case). Dr. Rossell also previously served as an expert witness *in this case* for Pearl Public School District “in all aspects of public school desegregation.” *See* Expert Designation [57] at 2–3.¹²

¹¹ *See* [181-5]; Rossell Supp. Report [181-6]; Rossell Rebuttal Report [181-7]; Rossell Explanatory Report [181-51]; Tr. Transcript vol. 2 [182] at 189–254.

¹² Despite Dr. Rossell’s experience—including in this Court and in this case—Plaintiffs ask the Court to exclude portions of her expert analysis. *See* [155, 156]; *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). They challenge her methodology and conclusions. [156] at 5.

Dr. Rossell’s resume demonstrates her expertise, something Plaintiffs do not challenge. Many other courts, including this one, have considered her methodology and her opinions on school desegregation. *See, e.g.*, [98-1] at 16–17 (Madison County’s unitary

Dr. Rossell analyzed the District's racial balance using three measures: the index of dissimilarity, the interracial exposure index, and a categorical racial balance measure. *See* [181-5] at 5. The first measure, the index of dissimilarity, measures how evenly black and white students are distributed across District schools. *Id.* at 9. In her recollection, Dr. Rossell has employed the dissimilarity index in every school desegregation case she has worked on. *Id.* Using that measure, Dr. Rossell concluded that the District has become increasingly balanced since 1967 when this litigation began. *Id.* at 9–11.

Dr. Rossell's second measure, the interracial exposure index, measures the average black student's exposure to white students. *Id.* at 11. This helps assess “not only the extent of racial imbalance, but also the absolute level of contact between the races.” *Id.* Again, Dr. Rossell recalls employing this measure in every desegregation case she has worked on. *Id.* Applying the index to the District's 2022–23 data, Dr. Rossell found the average minority student's school was 62.9% white, close to the District's overall white student percentage. *Id.* at 11–12. She applauded the District's interracial exposure as “quite high.” *Id.*

status proceedings); *Cowan v. Bolivar Cnty. Bd. of Educ.*, 186 F. Supp. 3d 564, 592–93 (N.D. Miss. 2016) (same); *United States v. Pittman*, 808 F.2d 385, 393 n.2 (5th Cir. 1987) (Higginbotham, J., concurring) (endorsing Dr. Rossell's methodology as “a diagnostic aid”). This Court does the same. In addition to Dr. Rossell's extensive expert-witness experience, the Court sees no risk of confusion in admitting her opinions since the parties tried their cases to the Court and not a jury. *See Gibbs v. Gibbs*, 210 F.3d 491, 500 (5th Cir. 2000). The Court therefore DENIES the [155] Motion. The Court qualifies Dr. Rossell as a desegregation expert and accepts her written reports and testimony as part of the record. Like it does all evidence, however, the Court considers the credibility, reliability, and relevance of Dr. Rossell's opinions and weighs them as part of the complete record.

For the third measure, Dr. Rossell considered the +/- 20% standard the Court established in the 2012 Order. *Id.* at 12. Her analysis corroborated what the Court explained above—that in recent years, the District has been fully compliant with the +/- 20% requirement for its black student population and substantially compliant for its white student population. *Id.*

Finally, Dr. Rossell compared the District’s racial balance against other unitary school districts explaining that many districts have attained unitary status despite comparable or greater racial imbalances.¹³ *Id.* at 12, 16–17. In Dr. Rossell’s view, the District is “perfect, or close to perfect, on every measure of desegregation with regard to student assignment.” *Id.* at 17.

The Court also heard testimony from Assistant Superintendent Dr. Amanda Stocks. Dr. Stocks testified generally about the District’s structure and specifically about student assignments. *See* [177] at 53–205. Dr. Stocks is one of the District’s five assistant superintendents. *Id.* at 53, 61. She has worked in education for nearly 30 years and has worked for the District for more than 20 years. *Id.* at 53. She has served under three superintendents. *Id.* at 61. Dr. Stocks has experience as a teacher, assistant principal, principal, human resources director, and now as an assistant superintendent. *Id.* at 53–54. In her current role, Dr. Stocks supports the District’s 16 elementary schools, and she oversees the District’s human resources

¹³ Plaintiffs oppose Dr. Rossell’s comparative analysis because “[e]very school district is unique” and Dr. Rossell “did not control for any of the multitude of varying factors.” [150] at 15. But courts have permitted similar comparisons in school desegregation cases, and this Court does the same. *See Calhoun v. Cook*, 525 F.2d 1203, 1203–04 (5th Cir. 1975); *Singleton v. Jackson Mun. Sep. Sch. Dist.*, 541 F. Supp. 904, 909 (S.D. Miss. 1981).

department. *Id.* at 54. Dr. Stocks has been directly involved with the District’s unitary status efforts for around a decade, and she personally recalls site visits the United States conducted at District schools in 2016 and 2018. *Id.* at 64. Having heard Dr. Stocks’s testimony and observed her demeanor, the Court finds her to be a knowledgeable, credible, and sincere witness.

Dr. Stocks testified about the District’s compliance with the +/- 20% standard. *Id.* at 65–76. She verified the District’s perfect compliance for its black student population. *Id.* at 68–72. As for its white student population, Dr. Stocks acknowledged that some schools have fallen outside the +/- 20% range at times. *Id.* at 69–73, 140–43.

To decide whether these imbalances preclude the District’s unitary status, the Court considers “the system as a whole” and does not “limit[] its consideration to the racial imbalance of isolated schools in the system.” *Valley v. Rapides Par. Sch. Bd.*, 646 F.2d 925, 938 (5th Cir. Unit A 1981). The law does not require perfection, nor does it permit the Court to apply mathematical percentages mechanically. *See Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 23–24 (1971) (rejecting “any particular degree of racial balance or mixing” and characterizing district court’s prescribed ratios “a starting point in the process of shaping a remedy, rather than an inflexible requirement”). Indeed, courts have declared districts unitary even without racial balance at each school. *See, e.g., Flax v. Potts*, 915 F.2d 155, 160 (5th Cir. 1990) (14 schools with student populations that were 80% black did not preclude unitary status); *Ross v. Houston Indep. Sch. Dist.*,

699 F.2d 218, 227–28 (5th Cir. 1983) (55 schools that were 90% or more black did not preclude unitary status); [98-1] at 13, 39–40 (declaring Madison County School District unitary even though no school mirrored the county’s racial composition and several schools were more than 95% black).

As explained above, the District’s imbalances are slight when measured against its overall progress. And the Court finds they are not traceable to past segregation. Since the Court is in the “late phases of carrying out” its desegregation orders, it considers whether “independent demographic forces” are to blame for racial disparities. *Hull v. Quitman Cnty. Bd. of Educ.*, 1 F.3d 1450, 1454 (5th Cir. 1993) (citation modified).

Both Dr. Rossell and Dr. Stocks remarked about the District’s changing demographics. Dr. Rossell observed that today the District’s minority students have a smaller percentage of white students in their classrooms, “something the school district has no control over.” [181-5] at 12. Dr. Stocks echoed this sentiment and so does the data. [177] at 76–77, 137–38. Overall, the District’s white student enrollment has declined while its black and “other minority” enrollment has increased. *Compare* [181-5] at 6 tbl. 1 (reporting 14,313 white, 4,305 black, and 830 “other” students in 2012–13) *with* [181-9] at 3 (reporting 11,233 white, 5,178 black, and 1,530 “other” students in 2025–26). So, as both Dr. Rossell and Dr. Stocks said, the District is becoming more diverse.

Demographic shifts are particularly remarkable at Flowood Elementary School, which Plaintiffs target as racially identifiable. [177] at 73–77; Select

Enrollment Data [181-50]; [150] at 14. Flowood Elementary’s black student enrollment has surged—from 22.6% in 2013 to 39.2% this year. Its “other” student enrollment jumped too—from 10.9% in 2013 to 19.5% this year. Meanwhile, its white student enrollment decreased from 66.5% to 41.3% over the same time. *See* [177] at 74–75; [181-50] at 2; [181-9] at 2.¹⁴

Imbalances produced by race-neutral forces—demographics, for example—do not preclude unitary status. “Communities in our mobile society do not . . . remain demographically stable,” and school districts have no affirmative duty to remedy imbalances caused by “immutable geographic factors and post-desegregation demographic changes.” *Ross*, 699 F.2d at 225 (citation modified).

Based on the District’s evidence, the Court is persuaded that demographics have helped shape the District’s current racial composition. Everyone agrees the District is becoming increasingly diverse as black and other minority enrollment increases and white enrollment declines. *See* [181-5] at 5 (Dr. Rossell); [183] at 62 (Dr. Frankenberg); [177] at 73–77 (Dr. Stocks). These shifting demographics, together with Dr. Stocks’s testimony about the District’s overall growth, support the District’s claim that current racial imbalances are unrelated to discrimination. *See Freeman*, 503 U.S. at 475–76 (acknowledging “remarkable changes” in a county’s racial composition).

¹⁴ Flowood Elementary School—currently at 39.2% black, 41.3% white, and 19.5% “other” minority—“likely resembles the educational Utopia contemplated by *Brown I.*” *Cowan ex rel. Johnson v. Bolivar Cnty. Bd. of Ed.*, 914 F. Supp. 2d 801, 817 (N.D. Miss. 2012). Even Plaintiffs’ expert, Dr. Ericka Frankenberg, conceded its diversity. [183] at 52.

To oppose the District’s student-assignment unitary status, Plaintiffs rely primarily on Dr. Erica Frankenberg.¹⁵ Dr. Frankenberg is a tenured professor at Pennsylvania State University in the College of Education where she teaches education demography. [180-1]. The Court qualified Dr. Frankenberg, without objection, as an expert in between-school assignment, within-school student assignment (or “classroom assignment”), and faculty assignment for Kindergarten through 12th grade. [182] at 263.

Like Dr. Rossell, Dr. Frankenberg compared the District’s school-level racial composition against its districtwide racial composition. [180-2] at 5. Using a +/-15% deviation and comparing elementary and secondary schools separately, Dr. Frankenberg labeled multiple schools as “racially identifiable.” *Id.* at 6–11. And because Dr. Frankenberg used different metrics, she flagged more schools as noncompliant than did Dr. Rossell. *Compare* [180-2] at 6–10 (identifying eight schools as noncompliant in their white student populations for 2022–23) *with* [181-5] at 12 (identifying only two schools).

The Court finds several flaws in Dr. Frankenberg’s racial-disparity analysis. At the outset, she applied a +/- 15% standard instead of the Court-ordered +/- 20% standard. *See* [180-2] at 6; [150] at 14 n.5. And, rather than comparing each school’s racial percentages against the District’s overall percentages, Dr. Frankenberg compared each school to other elementary or secondary schools. [180-2] at 5. On

¹⁵ *See generally* [180-2]; [182] at 256–302; Tr. Transcript vol. 3 [183] at 4–105; Frankenberg Supp. Report [180-14]; Frankenberg Curriculum Vitae [180-1].

cross-examination, she conceded never evaluating the District using the Court's +/- 20% standard. [183] at 43–44.

Dr. Frankenberg's analysis—and Plaintiffs' reliance on it—asks too much. The Court will not judge the District's good-faith compliance by a standard more exacting than the one the Court ordered. Only schools that fall outside the +/- 20% standard are relevant, and the Court finds that the few outliers are neither race-based nor are they substantial enough to undermine the District's greater successes.

The Court is equally unpersuaded that there is more the District could practicably do to remedy these imbalances. Dr. Frankenberg suggested the District might redraw district lines, open magnet schools, or employ different transfer policies. [182] at 276–77. But neither she nor Plaintiffs made specific policy-change recommendations, nor did they suggest how these hypothetical changes might increase the District's diversity. And no law requires the District to use “heroic measures” to achieve racial balance. *Freeman*, 503 U.S. at 493; *Hull*, 1 F.3d at 1454 (citation modified) (the unitary-status inquiry is “intensely practical [and] fact-specific” and hinges not on a district carrying out “awkward, inconvenient, or even bizarre” measures to achieve racial balance).

d. Student Transfers

Next Plaintiffs oppose the District's student-assignment unitary status because its transfer policies “exacerbate[] segregation.” [150] at 15. They claim the District permits intradistrict transfers that make already-white schools whiter and

already-black schools blacker. *Id.* at 16. And they say the District refuses to implement a majority-to-minority (“M-to-M”) transfer policy that would advance integration. *Id.* at 16–17. Neither argument prevails.

Remember the default rule is that all students attend school in their residential attendance zones. *See* [181-10] at 2. The District offers two intradistrict transfer options—one that is open to all students and another available only to students whose parents work for the District. [177] at 77–80. Under the universal policy, a student applies to the School Board for a transfer from one school to another. *Id.*; [181-10] at 2. The School Board decides whether to grant the request, permitting transfers “only in exceptional cases,” except where the student’s family has moved from one zone to another. [181-10] at 2; [177] at 77–80, 144.

Students whose parents work for the District have another option. In accordance with state law, the District permits its employees’ children to attend school where their parent works, even if that school is outside the student’s residential attendance zone. *See* [177] at 78–80; Miss. Code Ann. § 37-15-31. The District extends this policy to children of its classified, certificated, or licensed employees. [177] at 79. Given the District’s large geographical area, the District views this practice as a “retention and recruitment tool.” *Id.* at 78–79.

Dr. Stocks examined the policy “to make sure there’s no unintended consequence [to black students] to allowing [the District’s] employees to do what the state law allows them to do as far as going to school where they’re employed.” *Id.* at 80. She found no negative impact. *Id.* Furthermore, since only two to three percent

of the District’s students use intradistrict transfers, the impact on overall student enrollment is “very minimal.” *Id.*

The Court finds that the District has adopted and enforced race-neutral transfer policies that comport with its desegregation obligations.¹⁶ [181-1] at 15. Transfer data confirms that the District grants intradistrict transfers without considering race. *See* 2022–23 Transfer Data [181-12]; 2021–22 Transfer Data [181-13]. And most of these are to employees’ children whose transfers align with state law.¹⁷ *See generally* [181-12]; [181-13].

Relying on Dr. Frankenberg’s analysis, Plaintiffs insist the District’s transfer policies “exacerbate[] segregation.” [150] at 15–17. Dr. Frankenberg reported “really high percentages” of white students transferring between District schools and said those transfers were causing already-white schools to become whiter. [182] at 279–81.

¹⁶ Plaintiffs broadly attack all the District’s transfer policies. [150] at 15–17. But as the Court reads the 1970 Order, it does not dictate requirements for *all* intradistrict transfers. [181-1] at 15. It addresses M-to-M transfers (which are intradistrict transfers) and transfers for “Attendance Outside System of Residence” (which are inter-district transfers). *Id.* By its text, the “Attendance Outside System of Residence” provision applies to “transfers to students living *in* the district for their attendance at public schools *outside* the district” or “transfers *into* the district of students who live *outside* the district.” *Id.* (emphasis added). No part of the text mentions District students transferring between District schools. In any case, the parties addressed all intradistrict transfers, so the Court does the same. And it finds that the District’s intradistrict transfer policies and practices are non-discriminatory as the Court’s orders require.

¹⁷ The District permits classified, certificated, and licensed employees to use this transfer provision, which is broader than what state law requires. *See* Miss. Code Ann. § 37-15-29(2) (applying to children of “instructional personnel or certificated employees”). Dr. Stocks testified credibly that the District uses this as a retention and recruitment tool, and the Court finds no evidence the District employs this policy with discriminatory intent. *See* [177] at 79. The data support that the District administers this policy in a race-neutral fashion. *See* [181-12]; [181-13].

But Dr. Frankenberg’s testimony and data do not establish that the District’s transfer policies worsen segregation. In a three-paragraph section labeled “Policy causes of school segregation,” Dr. Frankenberg noted that transfer policies in general contribute to racial identifiability. [180-2] at 11–12. She included two tables—one showing transfer data from “selected schools” and the other data from “racially identifiable [b]lack schools” for 2022–23. *Id.* at 12. The tables offer only the number of transfers at these “selected schools” by race—nothing about the circumstances underlying the transfers, including whether the transfers were for employees’ children. *Id.* From that limited data, Dr. Frankenberg drew a broader conclusion: the District let too many white students transfer *into* already-white schools, and too many transfer *out of* identifiably black schools. *Id.* But Dr. Frankenberg did not analyze the districtwide impact of student transfers. [183] at 65. And she could not explain how student transfers impacted schools’ deviations from the +/- 20 % standard. *Id.* at 66.

Plaintiffs’ focus on Pisgah High School warrants closer examination. [180-2] at 11; [177] at 148; [182] at 281. In 2022–23, 24 white students transferred into Pisgah High School via intradistrict transfer, effectively making it “more white.” *See* [177] at 148. But 18 of those transfers were to employees’ children. [181-12] at 13. Dr. Frankenberg tried to minimize this fact by pointing to “suggestive evidence” that three of those students’ parents worked at Northwest High School and Brandon High School that year—not Pisgah High School. [180-2] at 11. Two problems. First, the “suggestive evidence” rests on “[a]nalysis done assuming same

last names.” *Id.* at 11 n.25. Second, even accepting those assumptions, Northwest High School and Brandon High School are majority-white schools too. Plaintiffs never explain how sending these students to one majority-white school rather than another worsened segregation.

Plaintiffs’ M-to-M transfer argument fares no better. They say the District cannot be unitary without a majority-to-minority transfer policy. [150] at 16–17. The District has a simple answer: demographics, not defiance, explain the absence of M-to-M transfers. Reply [151] at 4–6.

Start with how M-to-M transfers work. A student in the racial majority at one school may transfer to a school where that student would be in the minority. *Swann*, 402 U.S. at 26. The 1970 Order required the District to permit these transfers. [181-1] at 15.

Here is the problem. There are no schools in the District where white students are the minority. *See* [181-9] at 2–3. So no transfer could put a white student in the minority anywhere in the District. There is nowhere to transfer to. Dr. Frankenberg conceded the point. [183] at 49–51. The Court will not deny unitary status over a transfer program the District’s demographics make impossible.

e. Gifted and Advanced Study Programs

In addition to challenging how the District assigns students *between* schools, Plaintiffs also attack how the District assigns students *within* schools. They allege the District’s gifted and advanced study programs tolerate racial disparities and

discriminatory referral policies that violate the 1973 Order and preclude unitary status. [150] at 17–21. But the evidence shows the District’s policies are race-neutral, the racial disparities are not traceable to past segregation, and the District has taken all practicable measures to open its programs to all students, regardless of race.

First, something everyone can agree on: The District may not segregate classrooms by race. [83-3] at 3; *McNeal v. Tate Cnty. Sch. Dist.*, 508 F.2d 1017, 1019 (5th Cir. 1975). It may, however, group students by ability—like in gifted and advanced study programs—so long as the grouping does not have a discriminatory effect. *McNeal*, 508 F.2d at 1020; *see also Quarles v. Oxford Mun. Sep. Sch. Dist.*, 868 F.2d 750, 753–54 (5th Cir. 1989) (“Achievement or ability grouping has been recognized by both courts and educators as an acceptable and commonly used instruction method.”). If achievement grouping has caused racial imbalances, the District must justify its continued use by demonstrating (1) that its practices are not rooted in past discrimination or (2) that it will remedy imbalances through better educational opportunities. *Quarles*, 868 F.2d at 754.

The Court applies this standard to the District’s gifted and advanced study programs to determine whether any racial imbalances preclude unitary status.

i. The Venture Program

First up is “Venture”—the District’s gifted program. Based on the evidence and testimony, the Court finds the District’s Venture practices are race-neutral as the Court’s desegregation orders require and that the District has taken every

practicable measure to remedy imbalances through enhanced educational opportunities. *Id.*

Mississippi law requires public school districts to offer gifted education, and the Mississippi State Board of Education regulates those programs. *See* Miss. Code Ann. § 37-23-173; Gifted Program Regulations [181-16]; [177] at 80–81. Said differently, Venture is a creature of state statute, not something the District created. *See* [181-6] at 16 (the District’s criteria “are standard for gifted programs throughout the U.S.”).

State regulations require the District to “provide an equitable opportunity for the inclusion of students who may be at a disadvantage for identification,” including “students who are culturally diverse.” [181-16] at 12. By law, the District employs both subjective and objective measures to determine eligibility. *Id.*; [177] at 159. According to Venture procedures, the District “use[s] a normed group measure of intelligence in the mass screening referral process. *This process assists in identifying students in underrepresented populations.*” Venture Program Procedures [181-15] at 7 (emphasis added).

Students come to Venture in one of two ways: mass screening or individual referral.¹⁸ *Id.* at 4. Under the first method, the District screens all first and second graders each school year. *Id.* at 7–9; [181-16] at 15–19. The District automatically refers students who screen at or above the 90th percentile for further gifted testing.

¹⁸ State regulations describe another referral method, private-assessment referral, that is irrelevant here. [181-16] at 24.

[181-15] at 7; [177] at 82–83. Students who score between the 84th and 90th percentile—just shy of the mass-screening standard—qualify for secondary screening under the “Special Considerations for Gifted Identification” criteria. [181-16] at 15; Checklist [181-19]; [177] at 83, 88–89. The District uses this procedure to “make sure that [it’s] not missing students just because they didn’t score in that 90th or above percentile.” [177] at 83. Special-considerations criteria include things like the student’s home environment, cultural considerations, learning challenges, absenteeism, family system, and medical status. [181-19] at 2. If a student satisfies five or more of the criteria, the District refers the student for additional assessments. *Id.*; [177] at 83, 159–60. If one teacher recommends denying a student Venture admission, it is “a practice of the [D]istrict” to “ask another teacher or principal or someone else in the building to rate them.” [177] at 160. One teacher’s rating “would never become a barrier for a child not getting [into Venture].” *Id.*

The second method—for third through seventh graders—allows a parent, counselor, administrator, peer, or “any other person” to refer a student to Venture. [181-15] at 4; [181-16] at 20–23. Students may also self-refer. [181-16] at 20.

From there, a state-mandated Local Survey Committee reviews the student’s referral data and decides whether to advance the student to the assessment phase. *Id.* at 13, 17, 21; *see also* [180-2] at 13–14 (explaining assessment process). Then licensed examiners assess students under standard operating procedures. [181-16] at 17, 21. Ultimately, the Local Survey Committee reviews those assessments and decides which students to admit to Venture. *Id.* at 19, 23.

These policies and practices satisfy the first part of the *Quarles* inquiry: they are not based on past discrimination. *See Quarles*, 868 F.2d at 754. Rather, the District’s procedures are race-neutral, and Mississippi law largely dictates them. For the same reasons, they comply in good faith with the Court’s 1973 Order that the District not assign any classrooms based on race, thereby satisfying *Anderson’s* good-faith requirement. *See* [83-3] at 3.

Not only are the District’s policies and practices race-neutral, but the racial disparities Plaintiffs lament have no connection to past discrimination. *See* [150] at 17–18.

To start, Plaintiffs overemphasize Venture’s “stark racial disparities.” *Id.* at 17. Dr. Frankenberg identified a “substantial difference” in black and white Venture participation because only 13% of Venture participants were black in 2021–22 and 2022–23, while that number was closer to 80% for white students. [180-2] at 14–16. To be fair, 13% is lower than the districtwide black student percentage for the same years (25.75% and 27.12%, respectively). [181-9] at 4–7. But 13% is still a significant level of participation. The Court also notes that black student *referrals* for these years were 20% and 19%, respectively—much closer to the districtwide black student percentage. [181-6] at 16, 19. So the District sees substantial black representation at the referral phase, even if some of those students fail to qualify or choose not to participate. The District is not responsible for imbalances that come from “external factors beyond [its] control.” *Missouri v. Jenkins*, 515 U.S. 70, 102

(1995). “So long as these external factors are not the result of segregation, they do not figure in the remedial calculus.” *Id.* Such is the case with these disparities.

Next consider the experts’ competing opinions. For 2021–22 and 2022–23, Dr. Frankenberg observed that “there was a substantial difference, by race, in students identified for gifted.”¹⁹ [180-2] at 14. As one example, she noted that in 2022–23 the District identified only 4.7% of its black students as gifted compared to 11.2% of white students. *Id.* As another example, the District’s total gifted population for these years was approximately 13% black compared to around 80% white. *Id.* Dr. Frankenberg also called out specific schools for having no or very few black Venture participants, although she conceded that one school—Florence Middle School—had a greater percentage of black students than white students in Venture. *Id.*

Dr. Rossell analyzed the District’s Venture data too. [181-6] at 16–20. She conceded some racial disparities but largely attributed them to the broader achievement gap between white and black students and to parental resistance. *Id.* at 16, 19–20.

Dr. Frankenberg’s analysis does not prove that discrimination explains Venture’s racial disparities. First, her causation analysis is inconclusive. She observes that black Venture participation is low, that some schools have fewer black teachers than others, and that “research shows” teachers’ races could play a role in the disparity. [180-2] at 16–17 (citing a single 2017 publication). But she offers no

¹⁹ The District also provided data for 2019–20 and 2020–21, but Dr. Frankenberg disregarded it because those school years “may have been disrupted by the pandemic.” [180-2] at 14 n.35.

opinion about how the District could improve those conditions; in fact, she concedes that the District employs a “universal screener” to evaluate students, which is “an important way to reduce bias.” *Id.* at 17. Nor does Dr. Frankenberg’s analysis carry weight if it amounts only to recommending that the District hire more black gifted teachers; the Court explains why below.

Put simply, the Court sees no evidence linking Venture-program racial disparities to any prior segregation or current discrimination. And the “causal link” between the two is “even more attenuated” because of the District’s good-faith efforts to increase Venture participation which the Court explains below. *Freeman*, 503 U.S. at 496. After all, Dr. Frankenberg and Dr. Rossell agree that black students’ underrepresentation in gifted programs is a nationwide phenomenon. [180-2] at 13; [181-7] at 8. For these reasons, the Court finds both the District’s policies and practices, and any racial imbalances, to be unrelated to past discrimination. *Quarles*’s first prong is satisfied. *Quarles*, 868 F.2d at 754 (forbidding achievement-grouping practices “based on the present results of past discrimination”).

The District has also proven *Quarles*’s second prong—that it has taken every practicable step to remedy any racial imbalances through enhancing educational opportunities. *Id.* This analysis overlaps *Anderson*’s requirement that the District eliminate the vestiges of discrimination. 517 F.3d at 297. The evidence shows the District has worked diligently to expand its screening procedures, diversify its Venture faculty, and promote Venture to parents and others to increase diversity.

As one example, starting in the 2021–22 school year, the District added the second-grade mass screening to supplement the traditional first-grade screening. [177] at 82. Since schools may screen first- and second-grade students without parental consent, adding the second-grade screening could identify gifted students that the first-grade screening may have missed. Dr. Frankenberg acknowledged the additional screening is “a good practice to use.” [183] at 69. And Dr. Stocks testified that additional screening has led to an “improvement in identification of intellectually gifted students, particularly in [the District’s] black gifted students.” [177] at 82. The District also began accepting verbal or nonverbal IQ tests to better identify students with weaker language skills, and it purchased a nonverbal ability assessment. *Id.* at 89–90; Summ. of Good Faith Efforts [181-46] at 4. Even more, the District voluntarily broadened its program duration to extend through eighth grade instead of sixth grade. [177] at 81.

The District encourages its teachers to identify more diverse Venture participants too. It trains them semi-annually in how to identify gifted students and refer them to Venture, specifically focusing on students “from various ethnic and socio-economic backgrounds.” *Id.* at 87–88; Sample Gifted Training Materials [181-18].

Not only that, but the District has also worked to diversify its Venture faculty. [177] at 91. Acknowledging the District has “traditionally not had diversity amongst [its] gifted program teachers,” Dr. Stocks testified about the District’s efforts to identify existing employees who might qualify to teach Venture classes. *Id.*

Only one teacher qualified, and that person “helped diversify the staff.” *Id.* The District also regularly educates its teachers about obtaining their gifted certifications. *Id.*

As another good-faith effort to increase faculty diversity, the District modified its long-standing practice of internally promoting teachers into vacant gifted-teacher positions. *Id.* at 92–93. Now the District requires schools to post all gifted-teacher openings externally “as a good faith effort to improve the diversity of [the] gifted education teachers” in the District. *Id.* at 93. The District reports a positive result from those changes, including recruiting a black gifted teacher from a neighboring county. *Id.* at 156.

Adding to its student- and faculty-centric efforts, the District actively promotes Venture to parents and other community members. It publicizes Venture at school events and on social media platforms. *Id.* at 84. Venture-related promotional materials advise that parents, teachers, administrators, or “anyone having reason to believe that [a] student might be intellectually gifted” can refer students in third through seventh grade for Venture screening. Venture Brochure [181-17]; [177] at 85–86. The materials provide contact information for a District employee and a website where parents or other family members can access sample screening questions. [181-17]; [177] at 85–87. These efforts demonstrate the District’s good-faith commitment to creating equal access to the Venture program.

Black Venture participation is continually improving too. Enrollment has more than doubled in the last decade, increasing from 89 black students in 2016–17

to 197 black students in 2025–26. [177] at 89. And the percentage of black gifted students has increased too. In 2017–18, only around 8% of gifted students were black. *Id.* at 90. In 2025–26, that figure is approximately 18%. *Id.* The District attributes this growth to its expanded screening and testing and teacher training. *Id.* at 89–90.²⁰

ii. Advanced Study Programs

Next up are the District’s advanced study programs, including its advanced placement (“AP”) and honors courses. *Quarles*’s two-part test applies here too, so the Court considers (1) whether the District’s practices are race-neutral or (2) whether the District has remedied any racial imbalances through better educational opportunities. *Quarles*, 868 F.2d at 754. The District passes both parts of the test.

First, its advanced study practices are nondiscriminatory. The District offers approximately 28 advanced placement courses, eight honors classes, and a “compacted math” program offering accelerated curriculum for seventh and eighth grade students. [177] at 94, 97. District policy governs those programs. *See* Curriculum Planning Policy [181-14]. AP courses are open to all students; honors and compacted math courses are open to all students subject to certain prerequisites. *Id.* at 1–4. Students who fail to meet those prerequisites can still seek admission if their parents request it. *Id.* at 2; [177] at 95.

²⁰ Venture’s diversity also proves the program is not “identifiable as tailored” for white or black students. [83-3] at 3; *Montgomery v. Starkville Mun. Sep. Sch. Dist.*, 854 F.2d 127, 131 (5th Cir. 1988) (a gifted program was not discriminatory even though “participation . . . [was] not divided equally between blacks and whites”).

The District also offers several dual credit courses through Hinds Community College. [177] at 102–03. The State of Mississippi governs the District’s dual credit programming, and Hinds Community College, the District’s local community college provider, establishes student qualifications. *Id.* at 103; Dual Enrollment Procedures [181-21].

Student choice guides enrollment. [177] at 101–02. The District publishes information about its advanced study opportunities through an online newsletter targeted toward students, parents, and other community members. *Id.* at 96–97; AP Newsletter [181-20]. Today, around 20% of the District’s black students participate in advanced study programming. *See* [177] at 100.

Once again, Plaintiffs say “stark racial disparities” in the District’s advanced study programs prove segregation carries on. [150] at 20. Specifically, they focus on disparities in AP English enrollment. Again, the Court finds that Plaintiffs overemphasize the disparities and, in any event, they are unrelated to discrimination.

Dr. Frankenberg examined the District’s AP English 3 and AP English 4 enrollment for 2021–22 and 2022–23. [180-2] at 19. Her findings were hardly jolting. In 2021–22, two schools offered AP English, Brandon High School and Northwest High School. *Id.* Brandon High School’s overall student population that year was 32.17% black, and 44.8% of its AP English 3 students and 29% of its AP English 4 students were black. [180-2] at 19; [181-9] at 5. Northwest High School was 31.19% black in 2021–22, and 29.7% of its AP English 3 and 26% of its AP

English 4 students were black. [180-2] at 19; [181-9] at 6. The next year, Brandon High School “enrolled higher percentages of Black students in AP English courses than their share of the entire enrollment.” [180-2] at 19. And Northwest High School’s black AP English enrollment was only “slightly lower than their [overall] enrollment.” *Id.* So not only are these deviations slight, Dr. Frankenberg acknowledges they improved. *Id.*

Dr. Frankenberg called out Florence High School and Pisgah High School for having no black AP English students in 2022–23. *Id.* Two points make that fact less troubling. First, 2022–23 was the first year Florence High and Pisgah High even offered AP English. *Id.* Second, those schools had the lowest black enrollment percentages in the District. [181-9] at 4–5 (Florence High at 15.18%; Pisgah High at 13.02%). In fact, only 56 black students even attended Pisgah High School in 2022–23. *Id.* at 5. In context, the lack of black student participation at two schools with brand new programs does not persuade the Court to deny unitary status.

Dr. Frankenberg’s analysis faces other hurdles too. First, she only looked at AP English, which is but one aspect of the District’s advanced study offerings. [183] at 76. And since she looked only at AP English, Dr. Frankenberg skipped over black participation across the entirety of the District’s AP programs. *Id.* When the District told her that districtwide black participation in AP programming was 23%, she called that “a good percentage.” *Id.*

Even more, Dr. Frankenberg never linked the AP English disparities with segregation, suggesting only that disparities “may” result from disparate policies.

Id. at 75–76. She pointed to no evidence that the District denies students AP enrollment based on race (because there is none). And though her previous research links socioeconomic status and AP participation, Dr. Frankenberg omitted that analysis here. [183] at 73–75. Without any link to segregation, these racial disparities are not the District’s ill to cure. *See Missouri*, 515 U.S. at 102 (“Insistence upon academic goals unrelated to the effects of legal segregation unwarrantably postpones the day when the [District] will be able to operate on its own.”).

In the Court’s view, the record proves the District’s advanced study policies and practices are race-neutral, and the District administers them without regard to race. *Quarles*’s first prong is satisfied. *Quarles*, 868 F.2d at 754.

Quarles’s second prong is satisfied too because the District has taken every practicable step to remedy any racial imbalances in its advanced study programs. *Id.* at 754. As one example, the District examined its advanced study prerequisites to determine whether any of them “would be a potential barrier” for any students. [177] at 95. To remove barriers, the District now permits parents to request their child’s access to accelerated classes even if the student does not initially qualify. *Id.* at 95–96, 150–51; [181-14] at 2.

The District has worked to help students overcome financial barriers too. It operates a needs-based fee-waiver program, and it communicates information about that program to parents. [177] at 97–98; [181-20]; [181-46] at 4. The District pays course-related fees for students who receive free or reduced lunch and for any

student who attends the District’s three “title schools.” [177] at 98, 198–99. Even for students who do not receive free or reduced lunch, the District evaluates them for hardship assistance. *Id.* at 104. Like with the Venture program, these good-faith efforts weaken the “causal link” between racial disparities and any past segregation. *Freeman*, 503 U.S. at 496.

A final note on the advanced-study argument: the Fifth Circuit in *Quarles* concluded that advanced program disparities are not race-based when classes “truly are open to all students.” *Quarles*, 868 F.2d at 754. As explained above, the District’s advanced study programs are open to all students, so the Court finds them to be free from discrimination.

f. Unitary Declaration as to Student Assignment

In sum, based on the evidence and testimony presented at the hearing, the Court finds that the District has complied in good faith with its student-assignment orders for a reasonable time. The District’s student-assignment policies are race-neutral, and the District administers those policies without regard to race. Furthermore, the District has eradicated to the extent practicable any vestiges of past discrimination regarding student assignment and any remaining racial imbalances are unrelated to prior segregation. *Freeman*, 503 U.S. at 491 (a district court can declare unitary status in the area of student assignment “where racial imbalance is not traceable, in a proximate way, to constitutional violations”). Thus, the Court declares the District unitary in the area of student assignment.

2. Faculty and Staff Assignment

a. Legal Standard

The Court analyzes the District’s faculty and staff unitary status under two Fifth Circuit opinions in the same desegregation case—the one involving the Simpson County (Mississippi) School District. *United States v. Fletcher ex rel. Fletcher*, 805 F.3d 596 (5th Cir. 2015) (“*Fletcher I*”) and *United States v. Fletcher by Fletcher*, 882 F.3d 151 (5th Cir. 2018) (“*Fletcher II*”).

As here, *Fletcher I* and *Fletcher II* questioned whether Simpson County’s employment practices precluded its faculty-and-staff unitary status. But there, unlike here, a consent decree required Simpson County to advertise, interview, and hire candidates using detailed methods aimed at diversifying its faculty and staff. Despite having violated the consent decree—and being enjoined by the district court from doing so again—Simpson County moved for unitary status with respect to its faculty and staff assignments. After receiving over 500 objections, including from individuals whom Simpson County had denied employment or promotions, the district court denied unitary status. The first appeal—*Fletcher I*—followed.

Fletcher I provided a legal standard: To establish its unitary status in faculty and staff assignments, a school district “must establish that its current employment practices are non-discriminatory and in compliance with constitutional standards” and that “the adverse effects of any earlier, unlawful employment practices have been adequately remedied.” *Fletcher I*, 805 F.3d at 601 (citation modified). School districts must also demonstrate that their faculty and staff makeup “does not

indicate that the school is intended for either [black] or white students.” *Id.* (citation modified). Importantly, these requirements “do not establish an arbitrary racial quota.” *Id.* (citation modified).

But *Fletcher I* was about standing. Because the appellants lacked it, the Fifth Circuit never reached the merits of the district court’s unitary-status denial. *Id.* at 607. Eventually, the district court declared Simpson County unitary as to its faculty and staff assignment, and *Fletcher II* followed. *Fletcher II*, which the Court examines in greater detail below, provides the merits-focused analysis that guides the Court here.

Fletcher I’s faculty-and-staff legal standard works the same as *Anderson*’s broader unitary-status standard: The District must prove (1) that its current practices are constitutional, *i.e.*, compliant with the Court’s desegregation orders, and (2) that it has remedied the effects of any prior discriminatory practices, *i.e.*, that it has eliminated the vestiges of de jure discrimination. *Compare Fletcher I*, 805 F.3d at 601, *with Anderson*, 517 F.3d at 297. The Court examines the District’s faculty and staff assignment under this *Anderson/Fletcher* standard below.

b. Court Orders

In 1970, this Court ordered the following with respect to faculty and staff desegregation:

- (a) “[P]rincipals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for [black] students or white students.”

- (b) “Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.”
- (c) Reductions in faculty or staff should occur “on the basis of objective and reasonable non-discriminatory standards.”

[181-1] at 14.²¹

Regarding faculty and staff assignments, the 1978 Order added:

- (a) The District shall operate all schools “without racial discrimination and in the manner which assures proportionate black participation in all student and faculty activities.”
- (b) “There shall be proportionate black representation on the faculty committees for selection of text books, making of policy, and all other academic activities.”
- (c) The District “shall take affirmative steps to assure proportionate black representation in all professional, administrative and non-professional employment areas. Preferably, in no school attendance zone shall the overall principal and high school principal be of the same race, and in no event, shall all principals be of the same race. . . . Where there is more than one counselor, they shall not be of the same race. Black teachers should be hired to teach every grade level in every school attendance zone, and there should be proportionate black representation in management positions in food services,

²¹ The 1970 Order also provided that “[f]or the remainder of the 1969–1970 school year the district shall assign the staff described above so that the ratio of [black] to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.” [181-1] at 14. Throughout these proceedings, Plaintiffs and the District both have suggested this standard carried past the 1969–70 school year to today. *See, e.g.*, [99] at 17; [177] at 249. The Court disagrees. That provision applied to “the remainder of the 1969–70 school year.” [181-1] at 14. The Court declines to read it more broadly. Instead, as the 1970 Order requires, the Court considers whether a school’s faculty and staff composition indicates the school is for only black or white students. *Id.*; *see also Singleton v. Jackson Mun. Sep. Sch. Dist.*, 419 F.2d 1211, 1217–18 (5th Cir. 1969), *judgment vacated in part, stay granted sub nom. Carter v. W. Feliciana Par. Sch. Bd.*, 396 U.S. 226 (1969), and *cert. granted, judgment rev’d sub nom. Carter v. W. Feliciana Par. Sch. Bd.*, 396 U.S. 290 (1970) (prescribing faculty and staff desegregation standard); *cf. Fletcher I*, 805 F.3d at 601 (referencing *Singleton* standard and cautioning against “arbitrary racial quota[s]”).

transportation services and other academic activities. Black teachers and administrators shall be chosen to participate in all academic workshops and other academic programs.”

- (d) “The heads of subject matter departments within the schools shall not be all of the same race.”
- (e) “[I]t is understood that the [D]istrict will through attrition achieve a ratio of at least 28% black staff at every level and in all categories.”

[181-2] at 5–6.

c. Faculty and Staff Analysis

Plaintiffs oppose the District’s faculty and staff unitary status on three grounds: (1) some schools’ faculties are racially identifiable and thus “indicate that the school is intended for either [black] or white students” in violation of the 1970 Order; (2) low black representation in faculty leadership and similar markers indicate the District discriminates in hiring and promoting employees; and (3) the District has failed to eliminate discrimination among its employees to the extent practicable. [150] at 21. None of these arguments defeat the District’s unitary status. The Court finds that the District’s employment policies and practices are nondiscriminatory and compliant with the Court’s orders, and that the District has remedied any effects of prior discrimination to the extent practicable. *Fletcher I*, 805 F.3d at 601; *Anderson*, 517 F.3d at 297.

i. Good-Faith Compliance with Faculty and Staff Orders

First consider whether the District’s current employment practices are nondiscriminatory and compliant with the Court’s orders and constitutional standards. They are.

The Court heard testimony about the District’s employment policies from two witnesses. The first was Dr. Stocks, whom the Court again found to be knowledgeable and credible. The second was the District’s Human Resources Director Anitra Hollis.

Having already introduced Dr. Stocks, the Court does the same for Ms. Hollis. Ms. Hollis has worked in education for 26 years, all of them in the District. [177] at 207–08. She began her career as a teacher, then became an assistant principal, and then became principal before holding her current position. *Id.* at 207–08, 227. Her responsibilities include “overseeing the recruitment and hiring of [the District’s] teachers and employees, certified and classified staff.” *Id.* at 208. Having heard Ms. Hollis’s testimony and observed her demeanor, the Court found her to be a knowledgeable, credible, and sincere witness.

Turn then to the District’s employment policies and practices. As required by federal and state law, the District adheres to an Equal Opportunity Employment policy demonstrating its commitment to nondiscriminatory employment practices. Equal Opportunity Employment Policy [181-23]; [177] at 215–16; [182] at 56–57. The District expressly prohibits “racial conduct” and maintains a grievance procedure for employees to report offensive conduct. Staff Protection Policy [181-24]; [182] at 57–59. The District trains employees on those policies “to make sure” the policies do not “get buried in all of [its] other policies.” [182] at 58–59.

The District employs race-neutral interview and hiring standards too. Because of its size, the District often has large responses to its job postings—

sometimes around 200 applicants. *Id.* at 29. Principals screen the applicants and select which candidates to interview. *Id.* at 28; [177] at 243. Those names go on an interview spreadsheet that the District’s human resources staff reviews to make sure the candidate pool is diverse. [177] at 243. Ms. Hollis testified to personal knowledge of this process’s positive impact on minority recruiting. *Id.* at 243–44. While the District does not require principals to adhere to any criteria in selecting interview candidates, it does review principals’ decisions monthly for diversity. [182] at 28–29.

A hiring committee interviews job candidates. *See id.* at 27–28. The District does not mandate those committees’ racial compositions, but it does “encourage schools to use diverse hiring committees.” *Id.* When questioned about the District not mandating hiring-committee diversity, Ms. Hollis explained that some interviews occur after school hours and on weekends, suggesting that mandatory diversity (through forced participation) would increase “the burden that teachers and administrators already have.” *Id.* at 28.

The hiring committees use District-mandated standard interview questions. The District uses this procedure to ensure that hiring committees score all candidates using the same metrics. [177] at 173–74; [182] at 29–33. When a hiring committee selects a lower-scoring candidate over a higher-scoring one, the District requires the hiring manager (usually the school-level principal) to explain the decision so “it’s not left to interpretation or an assumption.” [182] at 37–38. The

record contains copies of the District’s race-neutral interview form and hiring spreadsheets. *See* Interview Form [180-8]; Hiring Spreadsheets [180-9].

The Court finds these policies to be race-neutral and compliant with the Court’s orders and federal desegregation standards. The first *Anderson/Fletcher* prong is satisfied.

ii. Elimination of Vestiges of Discrimination

The District has also satisfied the second *Anderson/Fletcher* prong; it has eliminated to the extent practicable any effects—“vestiges”—of past discrimination. This is so despite Plaintiffs’ allegations of unfair hiring practices and racially identifiable faculties, or the District’s ongoing implementation of—or opting out of—additional diversification measures. *See* [150] at 22–30.

The Court first considers what the District has done to remedy past employment discrimination. The District devotes substantial time to recruiting diverse faculty and staff members. It holds career fairs, including on Saturdays to encourage participation. [177] at 225–26. It attends third-party career fairs, including specifically at historically black colleges and universities (“HBCUs”), and incurs significant time and expense to do so. *Id.* at 223–24, 234–36; Career Fair Info [181-29]. The District posts job openings extensively, including on its direct portal, the Mississippi Department of Education’s online portal, social media, and radio (targeted to reach HBCU students). [177] at 224–25; [181-46] at 3. It employs geofencing technology to focus its career-fair social media posts. [177] at 225.

The District also uses its social media as a diversity recruitment tool by celebrating staff achievements, including those of black faculty and staff. Social Media Posts [181-26]; [177] at 228–39 (making social media posts so that “future applicants or people that are interested can see people that look like them and be able to see that they too are welcome.”). The District screens its posts and other publications to make sure they highlight diversity where practicable. [181-46] at 3.

A minority recruitment committee with representatives from each school assists the District’s recruitment efforts. [177] at 124, 233–34. Committee members represent the District at career fairs. *Id.* at 234. They communicate with candidates and network with external contacts to identify potential candidates by “word of mouth.” *Id.*; Human Capital Plan [181-28] at 3. Ms. Hollis testified that the committee reviews “district percentages,” offers ideas, gives suggestions, and provides feedback on diversity-related matters. [177] at 233–34.

As an added measure, the District partners with institutes of higher learning, and specifically with HBCUs, to recruit black teachers. *Id.* at 125; [181-46] at 2–3; [181-28] at 3; *see also* [182] at 22–25 (acknowledging partnerships with Jackson State University, Tougaloo, and Alcorn); Jackson State MOU [181-27] (outlining relationship for student teaching); [181-28] at 2 (reporting to the Mississippi Department of Education on recruiting and retention efforts and expressing “focused attention with our HBCUs”). It waives background check fees for HBCU student-teachers who observe at District schools, thus “remov[ing] a barrier” in hopes that those students “will want to remain in [the District] to do student

teaching.” [177] at 224. As part of these efforts, District staff has conducted mock interviews to help black prospective teachers prepare for interviews. *Id.* at 125; [181-46].

Recruitment is not the District’s only priority; it focuses on training and retaining its black teachers too. The District has invited outside speakers to discuss diversity and cultural awareness topics. [181-46] at 3; [177] at 124–25. It has provided assistant teachers with information about the pathways to becoming a teacher. [181-46] at 4. The District also offers the RISE Program, a mentorship program for new teachers, and part of that program seeks to pair new black teachers with experienced black teachers to increase the likelihood of their success. *Id.* at 2; [177] at 160–73. The District pays employees in a race-neutral manner according to a “board-approved, certified scale.” [177] at 262.

Beyond recruitment and retention, the District has worked to improve its reputation in the community. District representatives have met with black community groups like the Rankin County Concerned Citizens Group to address negative perceptions about the District. [181-46] at 5; [177] at 128–29; [182] at 48–51. And this was not a once-and-done effort; the groups have met multiple times over multiple years for community members to voice their concerns about the District. [182] at 49–50. The District has worked to address citizens’ concerns and has extended volunteer opportunities to them. *Id.* at 50–51.

Despite these efforts, Plaintiffs claim the District fails the second *Anderson/Fletcher* prong because (1) the District hires white candidates over

equally or more-qualified black candidates, (2) racial imbalances plague some schools' faculties, including in administrative and leadership roles, and (3) there is more the District could do to increase diversity. [150] at 21–30. None of the three persuades.

First, the hiring-disadvantage argument. *Id.* at 24. To show that “[b]lack candidates are disadvantaged in hiring relative to white candidates,” Plaintiffs rely on Dr. Frankenberg’s expert report identifying 23 instances over two years where the District passed over a black candidate who appeared—at least on paper—to be as or more qualified than the white candidate it hired. *Id.* at 24; [180-2] at 35. This premise fails for two reasons.

Before anything else, Dr. Frankenberg’s opinion is conclusory and largely speculative. She looked at hiring and departure data for two school years, 2021–22 and 2022–23. From that data, she identified situations where the District hired white candidates over black candidates, but she never says race was the deciding factor. In fact, she conceded that “limited data” prevented her from determining “if or how the hiring process affects faculty racial identifiability.” [180-2] at 35. Without more, observations based on limited data does not prove the District’s hiring practices are discriminatory.²²

Even more, Dr. Stocks’s testimony revealed a flaw in Dr. Frankenberg’s analysis. Surprised by the report, Dr. Stocks investigated the District’s 2021–22 and

²² Dr. Frankenberg made similar observations—not conclusions—about teacher departures and transfers. [180-2] at 30–34, 35–36. The Court finds them unpersuasive for the same reasons.

2022–23 hiring decisions. [177] at 201–02. She learned of “many cases” where the District did not hire a candidate for the job she applied and interviewed for, but it did hire her for another job in the District. *Id.* at 202. And the interview score is not the only piece of information the District uses to make its hiring decisions. [182] at 37.

Under these facts, *Fletcher II* supports the District. There, the district court declared Simpson County unitary despite hundreds of pages of evidence on more than 20 employment decisions where Simpson County did not hire the highest-rated applicant. And it did so over approximately 65 objections. The Fifth Circuit affirmed, deferring to the district court’s finding that Simpson County’s proffered reasons were genuine and not pretextual. *See Fletcher II*, 882 F.2d at 155–59. Likewise, the Court finds the District’s proffered, nondiscriminatory explanations to be credible, especially given the District’s race-neutral employment policies, its proven commitment to faculty desegregation, and the absence of any evidence that these decisions were race-based.

Next, the racial-composition argument. [150] at 22–25. Plaintiffs argue that the District still operates schools with racially identifiable faculties and that it lacks sufficient black representation in administrative and other leadership roles.²³

²³ Plaintiffs do not challenge the District’s staff (non-teacher) diversity. *See, e.g.*, [150] at 21 (identifying standard for “unitary status in faculty assignments” and saying the District’s “faculty” points to segregated schools), 22 (challenging “one-race teaching staff”), and 23 (discussing low numbers of black teachers). Nor did Plaintiffs’ expert analyze the District’s staff diversity. [180-2] at 23–30 (analyzing “teacher assignment”); [180-14] at 6–9 (same). The Court interprets this silence to mean that Plaintiffs do not oppose the District’s unitary status based on its non-teaching employees’ diversity.

Nothing in the District’s faculty racial composition leads the Court to deny unitary status.

Start by understanding what the Court (and *Fletcher D*) require of the District as far as faculty racial composition goes. The District must assign each school’s faculty so its racial composition does not indicate that the school is only for black or white students. [181-1] at 14; *Fletcher I*, 805 F.3d at 601. The District must also work to assure “proportionate” black representation in all employment areas. [181-2] at 4. “Proportionate” is undefined, but the Court did instruct that principals, counselors, and subject-matter heads should be of different races.²⁴ *Id.*

Having clarified the District’s obligations, the Court considers what the statistics show about the District’s faculty diversity. The District tracks its teachers’ racial composition and analyzes that data under the same +/- 20% standard it uses

If they do, the opposition is unfounded. The District has reported its staff data to the Court for years. And those reports show that the District’s black staff has increased from 182 in 2021–22 to 262 in 2025–26. *Compare* Notice of Am. Ct. Report for 2021–22 [97] at 10 *with* [187] at 9. Today, 26.4% of the District’s staff is non-white. [187] at 8–9; [180-6] at 6. And not a single District school lacks black representation on its staff. [180-6] at 6.

²⁴ Nothing obligates the District to meet a faculty-specific quota. *See Fletcher I*, 805 F.3d at 601 (desegregation requirements “do not establish an arbitrary racial quota”). The Court did set a 28% target for the District’s black staff. [181-2] at 6. And both sides at times have acted as though the 28% target applies to faculty too. *See* [177] at 253–54 (cross-examination and witness testimony about 28% standard for faculty).

Not so. The 1978 Order—which the Court entered with the parties’ consent—states that the District would “through attrition achieve a ratio of at least 28% black staff at every level and in all categories.” [181-2] at 6 (emphasis added). By its terms, the 28% standard applies to “staff” and not “faculty and staff.” *Id.* The terms “faculty” and “staff” appear together and separately throughout the order, demonstrating that the Court assigned different meanings to those terms in 1978. Today, in 2026, the Court enforces the order as written and exempts faculty from the 28% standard. Precedent requires no faculty-specific racial quotas, and the Court will not impose one now. *See Anderson*, 517 F.3d at 303 (“We have made clear that [desegregation] requirements do not establish an arbitrary racial quota.”).

to track students' racial composition. [177] at 218–22; Teacher Assignment Data [181-22]. In other words, it considers whether each school's percentage of black faculty is within 20% above or 20% below the District's overall percentage of black faculty. Because the Court has not ordered any specific racial quotas, and because +/- 20% is the same standard the District uses to assess its student makeup, the Court finds the District's use of +/- 20% to be reasonable and in good faith.

Using that standard, the District's five-year data set showed only two schools had outlier faculties:

- 2020–21 School Year: 87.97% of the districtwide teacher population was white, resulting in a 67.97% to 100% compliance range. 11.17% of the districtwide teacher population was black, resulting in a 0% to 31.17% compliance range. There were two outliers: McLaurin Elementary at 33.3% black and 61.9% white, and The Learning Center at 40% black and 60% white.
- 2021–22 School Year: 87.48% of the districtwide teacher population was white, resulting in a 67.48% to 100% compliance range. 11.59% of the districtwide teacher population was black, resulting in a 0% to 31.56% compliance range. Same two outliers: McLaurin Elementary at 35.29% black and 58.82% white, and The Learning Center at 31.82% black and 68.18% white.
- 2022–23 School Year: 86.49% of the districtwide teacher population was white, resulting in a 66.49% to 100% compliance range. 12.83% of the districtwide teacher population was black, resulting in a 0% to 32.83% compliance range. Again the same outliers: McLaurin Elementary at 38.64% black and 59.09% white, and The Learning Center at 40% black and 60% white.
- 2023–24 School Year: 85.9% of the districtwide teacher population was white, resulting in a 65.9% to 100% compliance range. 13.2% of the districtwide teacher population was black, resulting in a 0% to 33.2% compliance range. There two outliers were McLaurin Elementary at 35.9% black and 61.5% white, and The Learning Center at 50% black and 50% white.

- 2025–26 School Year: 83.2% of the districtwide teacher population was white, resulting in a 63.2% to 100% compliance range. 15.6% of the districtwide teacher population was black, resulting in a 0% to 35.6% compliance range. This year the sole outlier was The Learning Center with a faculty that was 59.1% black and 40.9% white.

See generally [181-22].

So only two schools—out of 28—missed the +/- 20% target. And two observations lessen the impact of that already-small number: First, despite racial imbalances, these two faculties are nowhere near one-race or nearly one-race faculties. Quite the opposite, both faculties have been (and still are) undeniably diverse. McLaurin Elementary School consistently has a black teacher population that exceeds 30%, and The Learning Center’s faculty hovers around 50% black and 50% white. *See id.* So rather than weaken the District’s unitary efforts, these schools reinforce them. Second, Ms. Hollis testified that the District’s teachers are even more diverse if the count includes classified (but not certified) teachers. [177] at 259–60.

Consider also what the parties’ experts had to say. Both Dr. Rossell and Dr. Frankenberg analyzed the District’s faculty composition using a +/- 15% deviation, which they agree is common. [181-5] at 17–26 (Rossell Report); [182] at 225 (Rossell confirming +/- 15% standard for faculty assignment); [180-2] at 23–31 (Frankenberg Report); [182] at 295 (Frankenberg confirming +/- 15% standard).²⁵ Both identified

²⁵ Dr. Rossell reported that courts’ faculty-composition standards have varied considerably from +/- 5% to +/- 20%. [181-5] at 21. Given that the District is obligated to no racial quota, Dr. Rossell’s observation buttresses the District using a +/- 20% standard as its internal measure.

McLaurin Elementary and The Learning Center as outliers. [181-5] at 23; [180-2] at 27. But like the Court, Dr. Rossell observed that “even those two had substantial racial mixing.” [181-5] at 23.

Dr. Frankenberg also identified several schools as having zero or very few black teachers, including Puckett Elementary School, Highland Bluff Elementary School, and Pisgah High School. [180-2] at 26–30. She acknowledges, however, that these schools do not “meet the variation standard to be classified as racially identifiable.” *Id.* at 30. Perfection is not the standard, so these few instances do not defeat the District’s claim to unitary status. And the District’s current data shows improvement. All three schools have black teachers in 2025–26, including five at Highland Bluff Elementary, an impressive increase from zero in 2023–24. *See generally* [181-22].

Broadly, Dr. Rossell opined that “there has been considerable improvement since 1968 when there were no schools within 15 percentage points at any level.” [181-5] at 21. “By 2022–23, 96% of the schools had racially balanced instructional staff.” *Id.* at 21, 23. Today, almost 100% of the District’s schools are within the +/- 15% deviation, and the District surpassed six school districts declared unitary with respect to teacher assignment, including Natchez and Madison County, Mississippi. [181-6] at 12 f.7.

The Court agrees there has been remarkable improvement. In 2017–18, the District employed about 97 black teachers; today that number is 238. [177] at 244,

254–55; 2025–26 Demographic Data [180-6]. Its percentage of black teachers is about 15% compared to a national average of roughly 7%.²⁶ [177] at 245.

The Court reaches the same conclusion on diversity among the District’s administrators and other leaders. *See* [150] at 25 (opposing unitary status based on black representation among principals, assistant principals and “leadership team” members). Some racial disparities do not prove the District must do more before it passes the second *Anderson/Fletcher* prong.

Take the District’s principals and assistant principals first. The 1978 Order states that “[p]referably in no school attendance zone shall the overall principal and high school principal be of the same race, and in no event, shall all principals be of the same race.” [181-2] at 5. For context, in 1978, each of the District’s eight attendance zones was an attendance center where each school had a school-level principal, and the attendance zone had an “overall” or “lead” principal. [182] at 55–56. “Overall principal” is an outdated term now. *Id.* at 56.

Today, across its 28 schools, the District has seven black lead principals and 14 black assistant principals. *Id.* at 60; *see also* [187] at 11–12 (2025–26 Principal Data showing 21 of the District’s 82 school-level administrators are black). Florence High School, a school Dr. Frankenberg labeled as identifiably white in 2023–24, had

²⁶ Plaintiffs’ counsel cross-examined Ms. Hollis about the differences among the District’s current black teacher percentage (15.5%), the District’s current black student population (28%), and Rankin County’s overall black population (22.4%). [177] at 259–60. Ms. Hollis acknowledged those differences. *Id.* This line of questioning has little relevance though. Under Fifth Circuit precedent, the District “need not employ a faculty having a racial composition substantially equivalent to that of its student body.” *Fletcher II*, 882 F.3d at 159. Furthermore, no Court order requires the District’s faculty composition to match its student-body percentage or the county’s overall percentage.

a black principal in 2025–26. [191] at 3; [180-2] at 10. Steen’s Creek Elementary, another identifiably white school according to Plaintiffs, also had a black assistant principal last year. [191] at 5; [180-2] at 8. And two out of the three principals the District hired for 2025–26 were black, including the principals at Northwest High School (the District’s largest school) and Florence High School. [177] at 245–46; [191] at 3.

Dr. Rossell analyzed the District’s administrative-level diversification. [181-5] at 26. She observed that the District’s overall percentage of black building administrators (principals and assistant principals) is 23% “which is quite high for a 67% white school system.” *Id.* The District’s black administrator percentage is roughly 2.5 times the national percentage of black administrators. *Id.* In her opinion, the District is unitary in this regard because “one cannot tell the racial composition of a school by the racial composition of its administrative staff.” *Id.*

The same goes for the District’s “leadership teams.” *See* [150] at 25 (arguing lack of diversity on “leadership teams”). The District’s school-level leadership teams include the school’s principal as well as “teachers [and assistant principals] that have identified themselves wanting to be a part of the voluntary leadership team.” [177] at 267. Ms. Hollis testified that the District does not require teachers to serve on committees, something they value as a retention tool. *Id.* at 246. Rather, teachers volunteer to serve on committees or in other leadership roles. *Id.*; [182] at 10.

The District’s 2023–24 leadership data illustrates its leaders are diverse. *See* 2023–24 Leadership Data [180-7]. Even schools that Plaintiffs labeled “identifiably white” in 2023–24 had black representation on their leadership teams. *Compare* [180-2] at 8, 10 *with* [180-7] at 4 (Florence Middle), 8–9 (Puckett Elementary). At the district level, non-white administrators occupy 82 positions out of 372 (or 22%). *See* [180-6] at 2.

Based on this evidence, the Court cannot accept Plaintiffs’ argument that discrimination taints the District’s procedures for hiring administrators or appointing leaders. The Court finds the District has done all it can practicably do to diversify every level of the organization. Any disparities in black leadership are due to teacher choice or other race-neutral factors, not to District-sanctioned discrimination.

And finally, consider Plaintiffs’ District-can-do-more argument. [150] at 26–30. Plaintiffs expend great energy pointing out things the District could do to achieve racial balance such as increasing diversity-focused recruitment and incentivizing voluntary transfers. But the District *already* aggressively recruits minority candidates from HBCUs and other colleges and universities. [177] at 233–37. And it *already* has a voluntary transfer policy.²⁷ [182] at 39. The District has also considered other Plaintiffs-proposed initiatives like post-interview

²⁷ Under the District’s policy, any teacher may request a transfer to any open position in the District. [182] at 39. From there, “they have to secure their own position.” *Id.* The District does not assign teachers to schools, and neither party appears to advocate for forced transfers.

communications and incentivized transfers. *Id.* at 17–18 (post-interview communications), 39–40 (incentivizing transfers). The Court need not deny unitary status just because the District has declined some efforts (after evaluating them) or because some efforts are still underway. *See Anderson*, 517 F.3d at 297–98 (no error in granting unitary status before some projects were complete).

In finding that the District has done everything practicable to diversify its faculty, the Court finds persuasive Ms. Hollis’s testimony about the ongoing national teacher shortage, as well as a “critical teacher storage” in some subject areas, and the impact those shortages have on the District’s recruitment efforts. [177] at 222–23. She explained that some Mississippi school districts receive funds and incentives to help with teacher shortage, but the District is not one of them. *Id.* Some of the incentives that other districts can offer are things like housing assistance, and the District cannot compete with those incentives. [182] at 66–67. The District is working to access those incentive funds. *Id.* at 67.

The District faces challenges with diversity recruiting in its rural areas too. [182] at 67–69. Low faculty and staff turnover, longer commutes, and increased commuting costs are contributing factors. *Id.* at 68–70. Plus, teachers are generally in high demand and have flexibility to choose among many employers. *Id.* at 69.

For these reasons, the Court finds that the new measures Plaintiffs propose are unlikely to attract enough black teachers to the District to fully resolve any current disparities. Given the District’s extensive desegregation efforts and proven good-faith compliance with its orders, the Court will not withhold unitary status

just because in theory there are more things the District could do. The standard is whether the District has made “every *reasonable* effort . . . to eradicate segregation.” *Anderson*, 517 F.3d at 298 (citation modified) (emphasis added). And the District satisfied that standard. The Court will not go beyond its remedial role and demand more from the District than was necessary to correct prior discrimination. *See Missouri*, 515 U.S. at 88 (characterizing desegregation decrees as “remedial in nature” that “must be designed as nearly as possible to restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct”).

d. Unitary Declaration as to Faculty and Staff Assignment

The Court finds that the District has satisfied both prongs of the *Anderson/Fletcher* inquiry. *Anderson*, 517 F.3d at 297; *Fletcher I*, 805 F.3d at 601. Its employment practices and policies are race-neutral, and it has taken every practicable measure to eliminate any discriminatory effects on its employment practices.

The remaining disparities are slight compared to the District’s greater successes, and they persist despite the District’s extensive efforts to diversify every level of the organization. There is no evidence, direct or otherwise, that these disparities are race related.²⁸ The District continues to improve in this area, and

²⁸ Indeed, the only first-hand employment-discrimination allegations came from Ms. MaKeshia Adams. Ms. Adams did not testify on Plaintiffs’ behalf, but she did address the Court during the public comment portion of the hearing. [182] at 72–77. Ms. Adams attended school in the District as a child and worked as a District employee in adulthood. Her father is Kenneth Adams, one of the original plaintiffs here. Ms. Adams spoke of her experience working in the District and her concern that the District will return to

having heard the testimony of the District's witnesses and observed their demeanor, the Court expects that the District will continue its efforts to recruit black administrators and leaders even after this Court concludes its supervision.²⁹ *See United States v. Mississippi*, No. 3:70-CV-4706-WHB-LRA, 2014 WL 11290897, at *5 (S.D. Miss. Apr. 30, 2014), *dismissed sub nom. United States v. Fletcher ex rel. Fletcher*, 805 F.3d 596 (5th Cir. 2015).

The Court declares the District unitary in the area of faculty and staff assignment.

discriminatory practices if the Court declares it unitary. While the Court acknowledges Ms. Adams's deeply personal experience, it does not persuade the Court to deny unitary status. Neither Ms. Adams nor Plaintiffs offered evidence suggesting that Ms. Adams's experience was racially motivated.

²⁹ Dr. Stocks confirmed the District's commitment to good-faith compliance with its desegregation obligations:

Q: Dr. Stocks, in the position of leadership you are, do you have an opinion about whether you believe the district will continue undertaking many of these good faith efforts in the future?

A. I'm convinced that the district will continue to do what we're doing and even more.

Q. And how do you – or why do you feel that way?

A. Because our staff that I work with all have the same heart and mindset around this body of work, that we want to provide access and opportunity to all of our students and help our students to be successful in whatever they endeavor . . . as well as our staff . . . I'm telling the Court that everything that we're doing we do because we believe it's what is right for not only our students but also for our staff.

[177] at 130–31.

3. Quality of Education

a. Legal Standard

Along with the *Green* factors, district courts consider “ancillary factors” like “quality of education” when deciding whether a school district is unitary. *Freeman*, 503 U.S. at 492–93. Student discipline—like office referrals, suspensions, and expulsions—fall under the quality-of-education umbrella. *See, e.g., Borel*, 44 F.4th at 315. For their quality-of-education analysis, the parties focus on student discipline, and specifically on school suspensions, so the Court does the same.

Because it is ancillary, quality of education “does not present specific legal requirements.” *Id.* Instead, the supervising court’s orders dictate a school district’s quality-of-education obligations. *Id.* (citing *Smith v. Sch. Bd. of Concordia Par.*, 906 F.3d 327, 334 (5th Cir. 2018)).

Racial disparities in discipline will not, without more, defeat a school district’s unitary status efforts. *See Tasby v. Estes*, 643 F.2d 1103, 1108 (5th Cir. 1981). Because “many legitimate, non-racial factors” impact a school district’s disciplinary functions, a party opposing unitary status may not rely solely on statistics. *Id.* Rather, it must “account for the many variables at work in the process of disciplining school children.” *Id.*

b. Court Orders

The District is under no Court orders about how to conduct student discipline. Generally, the 1978 Order requires that the District operate all schools “without racial discrimination.” [181-2] at 5. And the 2019 Order—the first and only Order to mention “quality of education”—mandates simply that the District take

“all practicable steps to eliminate the vestiges of the prior de jure system” in its quality of education. [90] at 13.

c. Quality of Education Analysis

To prove it is unitary as to student discipline, the District must demonstrate that (1) it disciplines students “without racial discrimination” and (2) it has taken all practicable measures to eliminate the vestiges of discrimination from its disciplinary function. *See* [181-2] at 5; [90] at 13; *Anderson*, 517 F.3d at 297. To decide whether the District has met this burden, the Court first reviews the District’s disciplinary policies and practices to see whether they comply in good faith with the Court’s orders. They do. Then it considers whether racial disparities or deficient disciplinary practices prove the District must do more to remedy past discrimination. They don’t. *See* [150] at 30–36 (arguments in opposition to unitary status).

i. Good-Faith Compliance with Court Orders

The Court finds the District’s disciplinary policies comply in good faith with its orders because those policies are race-neutral and the District administers them without regard to race. *See* [181-2] at 5.

Assistant Superintendent Dr. Undray Scott testified about the District’s disciplinary policies and procedures. [182] at 88–188. Dr. Scott has worked with the District for more than 20 years and currently serves as the Assistant Superintendent over student support services and counseling, federal programs, special education, and child nutrition. *Id.* at 89–90. Part of Dr. Scott’s

responsibilities include student discipline. *Id.* at 90. The Court finds Dr. Scott to be credible, sincere, and knowledgeable about the District’s disciplinary policies and procedures.

Discipline runs on two tracks. At the district level, Dr. Scott oversees disciplinary operations for the entire school system with help from “discipline administrators” and “student support services” personnel. *Id.* at 119–21. In addition, the District employs ten “behavior specialists” who help teachers resolve behavioral issues and train students how to function better in the classroom. *Id.* at 99–100. Dr. Scott reports to the Superintendent on disciplinary matters, and the Superintendent reports to the School Board. *Id.* at 124–25. Ultimately, the School Board approves or rejects the Superintendent’s discipline-related recommendations. *Id.* The District sets overarching student-conduct and student-discipline policies that govern every school. *Id.* at 126–27; Student Handbook Part 2 [181-48] at 24–80; Student Handbook Part 3 [181-49] at 1–22.

At the campus level, schools each have a “discipline team” that manages student discipline. [182] at 121. Schools prepare their own attendance and behavior plans annually. *Id.* at 101–03, 120, 136–37. The District reviews each school’s plans to make sure they meet District standards. *Id.* at 101–03, 136–37.

Many of the District’s schools are “Positive Behavior Plan” or “PBIS” schools. *Id.* at 92. PBIS is a national program under which schools craft incentive-based discipline programs aimed at moving students toward positive behavior rather than simply punishing them for negative behavior. *Id.* at 91. An organization called

Reach Mississippi administers PBIS in Mississippi, and it periodically audits the District's schools to ensure their programs meet PBIS standards. *Id.* at 91–92. Most of the District's elementary schools have earned the PBIS designation, and the few remaining ones are working toward it. *Id.* at 92. With or without a PBIS designation, all District schools use a tiered, incentive-based approach to discipline. *Id.* at 98–99, 103, 134.³⁰

To illustrate how PBIS functions, Dr. Scott explained PBIS plans from McLaurin Elementary School (“McLaurin”) and Florence High School (“Florence”). *Id.* at 91–104; PBIS Plans [181-44].

In its 2024–25 plan, McLaurin set a strategic goal to “decrease the amount of MAJOR referrals by 3% by the end of the 2024–2025 school year.” [181-44] at 5. It established McLaurin's “school-wide discipline plan” and instructed teachers “to be FIRM, FAIR AND CONSISTENT” in following the plan. *Id.* at 6. The plan identified a diverse committee of administrators, faculty, and staff to oversee the plan, and set a monthly schedule for committee meetings. *Id.* at 4.

The plan called for McLaurin's administration to track student-referral data and to share that data with faculty and staff. *Id.* at 5. It dictated that the PBIS committee would review student-referral data monthly. *Id.*

McLaurin's plan contemplated that some groups may be “over identified for discipline or removals from the classroom.” *Id.* at 13. In those instances, the plan

³⁰ Plaintiffs' expert, Dr. Blake, positively acknowledged the PBIS approach to school discipline. *See* Blake Report [180-11] at 9–10.

called for holding a parent conference and “working with individual teachers who show a high number of discipline referrals during monthly meetings.” *Id.*

McLaurin’s plan called for mentors for students “who need good male or female role models” and a “Boys Club” program for “male students who need a little extra positive attention.” *Id.* at 12.

McLaurin places PBIS posters throughout the building and provides PBIS information to community members. *Id.* at 10; [182] at 98–99. The PBIS committee trains students, faculty and staff, and bus drivers about PBIS expectations. [181-44] at 10; [182] at 98.

Florence’s plan is similar. [181-44] at 25–30; [182] at 102–04. Like McLaurin’s plan, Florence’s 2024–25 plan identified a diverse governing committee and prescribed rewards for positive student behavior. [181-44] at 25–30; [182] at 103–04. It instructed “counseling and administrative teams” to generate and review student-performance data quarterly. [181-44] at 25. The plan called for Florence to share PBIS information with students and teachers regularly and to post PBIS information “throughout the school as visual reminders of expectations.” *Id.*

Florence “want[s] all students to desire a higher-level [reward] card and push themselves to improve in order to attain one.” *Id.* Florence reviews its behavioral data regularly to evaluate the PBIS program’s effectiveness. *Id.* at 29; [182] at 105. Florence’s plan, like McLaurin’s plan, acknowledged the potential for “demographic discrepancies in behavioral statistics” and set an intention for Florence’s administrative and counseling teams to address those discrepancies. [181-44] at 30.

The District expects “that all students be treated fairly,” and it tracks and reviews student-discipline data to ensure that schools meet that expectation. [182] at 105–06, 165, 169–70.³¹ It employs a digital program called AMOS to track students’ “risk factor,” which Dr. Scott described is based on a student’s attendance, academic performance, and behavioral history. *Id.* at 109. The District is transitioning to an enhanced tracking program called Panorama, a more comprehensive system the District will use to analyze a student’s discipline, attendance, and academics, and identify at-risk students. *Id.* at 109, 143–46. Both systems help the District identify children who may need additional support. *Id.* at 146. The District’s data management team produces at various times during the year a spreadsheet of each school’s discipline by major offenses and minor offenses broken down by race. Scott Dep. Excerpts [151-4] at 4.

Using data it collects, the District identifies potential disparities by assessing whether a given group is “overidentified” with respect to discipline—that is, comparing a group’s proportion of the overall population to its proportion of discipline cases. *See* [182] at 168–69. In other words, if a racial group makes up 10% of the student body, it is “overidentified” in discipline if children of that race make up more than 10% of the District’s discipline cases. *Id.* If groups are overidentified, for instance by race, that “raises a flag” that “forces [the District] to look deeper into

³¹ Although Plaintiffs challenge how the District tracks its disciplinary data, their expert acknowledged that any missing data “did not compromise the reliability and validity of [her] analyses.” [180-11] at 8.

it.” *Id.* at 170. The District’s goal is for the discipline rate to mirror the race ratios in the District. *Id.* at 173.

At the district level, District administrators hold “Big 3 meetings” to review each school’s data on academics, attendance, and behavior. *Id.* at 104, 108.

Principals, assistant principals, and District directors attend the “Big 3” meetings. *Id.* at 108. Among other things, “Big 3” meetings examine “racial statistics and demographics disparities” in school-level data. *Id.* at 111.

At the school level, administrators, staff, and District representatives hold monthly meetings to examine discipline data and consider demographics like race and special-needs status. *Id.* at 97–98, 105–07. The team also considers student-specific behavior and attendance issues as needed. *Id.* at 106–07.

The District trains its faculty and staff in how to fairly administer discipline too. Dr. Scott testified that the District provides professional development training “on just how to recognize and how to handle kids from different cultural backgrounds.” *Id.* at 111; *see also* Training Materials [181-45] at 1–19. It tracks attendance at trainings using sign-in sheets. *Id.* at 16–19; [182] at 113. The District also trains its teachers through a platform called “Vector,” that offers training followed by a quiz. [182] at 186. The District is also considering implementing additional PBIS training about cultural bias. *Id.* at 163–64.

Based on Dr. Scott’s testimony and the supporting documentary evidence, the Court is satisfied that the District remains committed to equality in its disciplinary

policies and practices. The Court finds the District’s race-neutral disciplinary policies comply in good faith with the Court’s orders.

ii. Elimination of Vestiges of Discrimination

The District has also eliminated from its disciplinary functions—to the extent practicable—any vestiges of past discrimination. *Anderson*, 517 F.3d at 297.

Plaintiffs’ complaints about racial disparities, “ad hoc” policies, and imperfect recordkeeping do not prove the District must do more before achieving unitary status. *See* [150] at 30–36.

Take the racial disparities first. The District concedes its disciplinary data shows some racial disparities but insists nothing links them to prior segregation or current discrimination. [151] at 10.

To prove its point, the District turned back to Dr. Rossell. [181-6] at 20–25. She explained how racial disparities in discipline are a national phenomenon: In 2017–18, black students accounted for around 15% of nationwide student enrollment but 30% of overall student suspensions. *Id.* at 20, 24. Citing several studies, Dr. Rossell attributes these disparities to black students’ socioeconomic disadvantages, something she said Plaintiffs ignored. *Id.* at 24; [181-7] at 11–12.³² Dr. Rossell compared the District’s suspension rates to other unitary districts’ rates and observed that the District “surpassed five unitary districts and the [United

³² Dr. Rossell says, “Frankenberg has four findings regarding racial disparities in discipline,” but the Court assumes this is a typographical error since Dr. Blake, not Dr. Frankenberg, analyzed the District’s disciplinary data. *See* [181-7] at 12.

States’ statistics] as a whole with regard to racial disparities in suspensions.” [181-6] at 24.

Plaintiffs’ opposition hinges on Dr. Jamilia Blake’s expert analysis.³³ Dr. Blake is a tenured professor in the Department of Health Behavior at Texas A&M University, where she also serves as director of the Center for Health Equity and Evaluation Research. The Court qualified Dr. Blake, without objection, as an expert in school discipline and racial disparities in school discipline. [183] at 117.

Dr. Blake reviewed the District’s disciplinary policies, student enrollment data, and disciplinary data to identify disparities and consider whether the District’s policies “were effective in addressing” them. *See* [180-11] at 2, 5–7; [183] at 117, 122–23. She focused on school suspensions because they are the most common discipline sanctions. [183] at 118.

Dr. Blake employed three methodologies: (1) a descriptive analysis that served as a preliminary screening measure; (2) a relative risk ratio that provides the relative likelihood that a black student will be disciplined compared to a white student; and (3) a multilevel logistic regression analysis that measures the relative likelihood that a student of a given race will receive multiple suspensions. [180-11] at 4–5. She concluded that the District’s black students face harsher and more frequent punishment than white students. *Id.* at 1–15. In her estimation, black students are one-and-a-half times more likely to be suspended than white students. *Id.* at 11; [183] at 133.

³³ *See* [180-11]; Blake Curriculum Vitae [180-12]; [183] at 112–96.

But Dr. Blake’s analysis is weak in several aspects. First, she never makes a causal link between the racial disparities and any District-sanctioned discrimination. Sure, she speculates about why the District might disproportionately suspend black students, offering theories about teacher perceptions, “[c]ulturally deficient thinking fueled by stereotypes of black students being loud and disruptive in the classroom,” or a phenomenon known as “adultification.”³⁴ [180-11] at 4; [183] at 186–87. But she never conclusively says the District’s discrimination caused the imbalances.

Beyond that, Dr. Blake concedes the “well documented phenomenon” that schools nationwide discipline black students disproportionately to other students. [180-11] at 4. She identifies no school district that has eliminated racial disparities in discipline; Dr. Rossell says none exist. [181-7] at 12. Dr. Blake also failed to even consider the link between students’ socioeconomic status and their rates of discipline, an issue Dr. Rossell supported with statistics and academic studies. *See* [181-6] at 24 (Rossell analysis); [183] at 137–38 (Blake testimony).

Dr. Blake’s concessions doom Plaintiffs’ opposition. Without causation, racial imbalances are not “vestiges of segregation” that concern the law here. *See Missouri*, 515 U.S. at 96 (describing a district court’s concern as “vestiges of segregation that . . . may be subtle and intangible but nonetheless they must be so real that they have a causal link to the de jure violation being remedied”). In the

³⁴ Dr. Blake defines adultification as a “bias in which adults see [b]lack girls in particular . . . not . . . at their developmental level, as in seeing them as children, but instead seeing them as adults.” [183] at 186–87.

same vein, racial imbalances caused by external factors—like socioeconomic status—are not vestiges of District-sponsored discrimination either. *Id.* at 102 (“[E]xternal factors [that] are not the result of segregation . . . do not figure in the remedial calculus.”).

On that basis, the Court does not find Dr. Blake’s analysis to prove the District’s disciplinary policies are causing any racial disparities. At most, Dr. Blake identified disparities and suggested abstract measures that might address them, including increased district-level control over school behavior plans, more defined behavioral expectations, modified approaches, and other efforts to reduce arbitrariness. [183] at 168–71. But, as explained earlier, perfection is not the standard. The District need not do everything “theoretically possible” to further desegregation goals. *See Missouri*, 550 U.S. at 98.

So all Plaintiffs lean on are statistics, and that is not enough. The Fifth Circuit made that clear in *Tasby*. 643 F.2d at 1103. Just as Plaintiffs do here, the *Tasby* plaintiffs argued that a school district’s disciplinary policies and practices discriminated against black students. They relied on a combination of “statistical evidence showing disproportionate punishment” and “prior judicial findings” of discriminatory discipline to make their *prima facie* case. *Id.* at 1107. After the district court ruled that the evidence did not support the allegations, the *Tasby*

plaintiffs appealed, contending the school district should have borne the burden of proving the statistical disparities were not race-based.³⁵ *Id.*

As here, the *Tasby* plaintiffs relied on student discipline data and expert analysis. And as here, the evidence showed black students received disproportionate discipline compared to their white and other minority counterparts. Still, the Fifth Circuit affirmed: Disparities alone were “insufficient to establish a *prima facie* case of racial discrimination.” *Id.*

“Official conduct” like school discipline “is not unconstitutional merely because it produces a disproportionately adverse effect upon a racial minority.” *Id.* Rather those consequences “must ultimately be traced to a racially discriminatory purpose.” *Id.* at 1107–08. Statistical evidence might be a “starting point,” but it must be accompanied by evidence “to account for the many variables at work in the process of disciplining school children.” *Id.* at 1108. Such evidence includes proof of arbitrary discipline practices, undeserved or unreasonable black student punishment, or failure to discipline white students for similar misconduct. *Id.* Here, the Plaintiffs have proven none of these things, and it dooms their opposition to the District’s unitary status.³⁶

³⁵ Notably, the *Tasby* plaintiffs lost even though they had statistical evidence *and* a prior court acknowledgment of the school district’s discrimination. Not so here. None of this Court’s prior orders address discipline-related discrimination.

³⁶ The *Tasby* court aptly explained its reasoning:

Student discipline is fundamentally unlike student assignment and transfer, faculty hiring and discharge, the allocation of economic resources, and the like. In those cases, decisions by school officials which bear more heavily on one race than another may reflect disparate treatment that cannot be explained on grounds other than race. It is therefore appropriate in these cases to place the

Considering *Tasby*'s principles and the record as a whole, the Court finds the District's discipline-related racial disparities are unrelated to its students' races. So those imbalances cannot mean that discrimination still afflicts the District.

Turn then to the District's measures to eliminate to the extent practicable any vestiges of discrimination in its student discipline. Dr. Scott testified about the District's multi-tiered approach to discipline. The District manages discipline at the school level and the district level, and it does so using a well-staffed group of diverse employees. It has invested time and resources into implementing PBIS-programming across the District, a system Plaintiffs' own expert recognizes to be effective. The District continues to invest in technology, recently purchasing enhanced technology—the Panorama system—that will help the District more comprehensively track student discipline. Broadly, Dr. Scott testified that the

burden on the defendant to show that the disproportionate racial consequences of the decision were not the product of a racially discriminatory purpose.

...

Too many legitimate, non-racial factors are involved [in discipline] to permit an inference of discriminatory purpose from a showing of disproportionate impact, even when it occurs in the context of on-going desegregation efforts. Black and white students . . . may not commit disciplinary infractions at the same rate or of the same seriousness, and this differential may be accounted for in non-racial terms. In addition, school administrators and teachers are properly concerned with balancing numerous competing considerations when deciding how properly to discipline a student, including the personal history and individual needs of a student, the flagrancy of his offense, and the effect that the misconduct may have on other students. Thus, the aggregate effect of individual disciplinary decisions independently made is not as convincing as the disparate racial impact that results from decisions rendered by a single governing body.

643 F.2d at 1108.

District has elevated discipline as a priority in terms of funding and resources. [182] at 187.

As for the Learning Center, which Plaintiffs specifically target as problematic from a disciplinary perspective, Dr. Scott testified about recent reforms specifically designed to reduce the overall number of days students spend at that alternative-school campus. *Id.* at 114. The District visited a similar program in another county to evaluate ways to reduce alternative-school assignments in the District. *Id.* The District incorporated some new methods that, in Dr. Scott's view, have led to an overall improvement in racial disparities in student discipline. *Id.* at 117.

Finally, like the *Missouri* court did, this Court acknowledges the many ways the District has improved its overall quality of education. 515 U.S. at 102. Consider the District's 2023–24 performance. Every District school received an “A” or “B” rating on the Mississippi Department of Education's Mississippi Succeeds Report Card. 2023–24 Accountability Data [181-40] at 10–11; [177] at 106–08. An impressive 99% of the District's third grade students passed the literacy benchmark. Accountability Charts [181-39]; [177] at 105–06. And the District had the fifth-lowest chronic absenteeism rate out of all Mississippi public schools, with Brandon Elementary having the absolute lowest chronic absenteeism rate in the state. 2023–24 Absenteeism Report [181-41] at 10; [177] at 108–09. Even more, black students had a higher graduation rate at 93.6% versus 92.2% for white students, and black students had a lower dropout rate at 4.8% versus 6.8% for white students. Graduation and Dropout Data [181-43]; [177] at 110–11. Similar outcomes

were seen for the 2020–21 through 2022–23 school years. [181-43]. The District’s high graduation rates and low dropout rates for black students are better than the state and national statistics. [177] at 111. Three District schools are “Blue Ribbon Schools,” a national designation given to public schools. *Id.* at 113. One school—Brandon Elementary—earned the designation by closing the achievement gap for its black student population. *Id.*

Ignoring the breadth and depth of the District’s disciplinary system, and brushing aside its successes, Plaintiffs say the District must do more. In Plaintiffs’ view, the District’s policies are too discretionary and their recordkeeping practices too basic for the District to be unitary. [150] at 36.

Taking these arguments in reverse order, the Court already rejected Plaintiffs’ recordkeeping argument. While there is always more data to track, the Court finds the District has tracked enough data, and reported it to the Court, to demonstrate its unitary status. And, based on Dr. Scott’s testimony about the Panorama system and the District’s commitment to disciplinary equality, the Court is convinced the District will continue its good-faith efforts in this area.

As to the “ad hoc” accusation, the Court finds the label to be unjustified. Something is “ad hoc” when it is done without previous thought or preparation. This hardly describes the District’s approach to discipline. Again, Dr. Scott testified at length about the District’s staffing, funding, training, and tracking of student discipline. He testified about the District’s formal discipline policies and its use of highly structured PBIS programming. He testified about regular meetings at both

the school level and the district level to review and manage student discipline. This is hardly an improvisational approach.

To conclude, Plaintiffs' challenges about racial imbalances, recordkeeping, and policy structure do not outweigh the District's proven efforts to desegregate its student discipline. The District has taken every practicable measure to eliminate any discriminatory effect on its student discipline.

d. Unitary Declaration as to Quality of Education

Based on the evidence and testimony, the Court finds that the District has implemented and consistently maintained nondiscriminatory disciplinary policies and practices that comply with the Court's orders and federal desegregation law. Furthermore, the District has taken every practicable step to eliminate any vestiges of discrimination from its disciplinary function, and any current racial imbalances that remain are unrelated to the District's former dual system.

The Court declares the District unitary as to quality of education and discipline.

4. Extracurricular Activities

a. Legal Standard

In evaluating whether a school district has eliminated the vestiges of de jure discrimination in its extracurricular activities, a court considers whether all extracurricular activities are available to all students within the District regardless of race. *Quarles*, 868 F.2d at 757; *Singleton*, 541 F. Supp. at 908. This means looking at whether any "racial barrier" precludes minority student participation. *Singleton*, 541 F. Supp. at 908.

A school district can still be unitary even if some activities have single-race participation. *See Quarles*, 868 F.2d at 757–58 (citing *Bazemore v. Friday*, 478 U.S. 385 (1986)). To determine whether a school district has met its desegregation burden, courts consider whether a school’s activities are voluntary, whether the school encourages minority-student participation, and whether the school maintains race-neutral policies and selection criteria. *Id.* at 757. Courts have also considered a district’s efforts to increase equality through financial support. *See McNeal v. Tate Cnty. Sch. Dist.*, No. 2:70-CV-29-DMB, 2016 WL 7156554, at *8 (N.D. Miss. Dec. 7, 2016).

b. Court Orders

The 1973 Order requires the District to “assign an integrated team of faculty sponsors” to its extracurricular activities. [83-3] at 3. The 1978 Order instructs the District to operate “in the manner which assures proportionate black participation [in] all student and faculty activities.” [181-2] at 5. Specifically, the “methods of selection of students to participate in activities such as student council, cheer leading squads and the like, shall be altered to insure the inclusion of black students in all such activities in substantial proportion with their numbers in the school attendance zone.” *Id.* Furthermore, “[c]oaches of the three major sports; namely, football, basketball and baseball shall not be of the same race.” *Id.*

c. Extracurricular Program Analysis

The Court analyzes the District’s unitary status as to extracurricular activity in two parts. First, it considers whether the District has complied in good faith with

the Court's orders to diversify its extracurricular activities. Then it applies *Quarles's* equal-access standard to determine whether the District has eliminated the vestiges of discrimination. The District has done both.

i. Good-Faith Compliance with Extracurricular Activity Orders

As with the other *Green* factors, the Court's inquiry starts with whether the District's policies and practices comply in good faith with the Court's desegregation orders. Under those orders, the District must prove its good-faith efforts to provide equal access for all students to extracurricular activities and to diversify its coaches and faculty sponsors. [83-3] at 3; [181-2] at 5. The District has met its burden.

To start, the Court finds that the District's extracurricular policies are race-neutral and its activities are accessible to all students regardless of race. *See* Fee Waiver Docs. [181-34]; Extracurricular Policies [181-35]. Broadly, its Student Activities policy acknowledges the "educational values inherent in a broad, varied, and well-directed student activities program." [181-35] at 8. The District follows the Mississippi High School Activities Association's application procedures. *Id.* at 2, 8. Under those procedures, students are generally eligible for extracurricular participation if they are District students, maintain a minimum grade point average, and meet certain age requirements. *Id.* at 2. Students express interest using an "interest form," and they need parental consent to participate. *Id.* For programs that require auditions or tryouts, the District uses "standardized rubrics for [its] tryout processes." [177] at 117–18; [181-46] at 2.

The District provides students with various extracurricular opportunities at all schools. *See generally* 2023–24 Extracurricular Data [181-37] (identifying more than 350 student groups across District schools). Participation is voluntary, and the District communicates with all students and parents to encourage participation. [177] at 118 (sharing extracurricular information at rising-student tours, open house, and parent nights). For these reasons, the Court finds the District’s extracurricular policies and practices to be race-neutral and compliant with the Court’s orders.

Continuing, the Court finds that the District has worked in good faith to desegregate the coaches and faculty sponsors who oversee its extracurricular activities. At the hearing, the District introduced data showing the racial makeup of coaches and faculty sponsors for the 2023–24 school year. *See* Coaches and Sponsor Data [181-25]. That year, 16% of coaches and faculty sponsors were black. *Id.* at 3. The District also submitted data for its 2025–26 coaching staff, and it shows that 47 of the District’s 245 coaches (19%) are black. *See* [191] at 2–5. Based on this evidence, the Court finds that the District assigns coaches and sponsors for its extracurricular activities in a nondiscriminatory manner. *United States v. Franklin Par. Sch. Bd.*, No. 70-15632, 2013 WL 4017093, at *5 (W.D. La. Aug. 6, 2013) (granting unitary status in extracurricular activities in part because of district testimony that it assigned coaches and sponsors in a nondiscriminatory manner).

Plaintiffs point out that Puckett High School had no black coaches in 2023–24, which the Court acknowledges is not compliant with the 1978 Order that

“[c]oaches of the three major sports; namely, football, basketball and baseball shall not be of the same race.” [181-2] at 5. Ms. Hollis confirmed that one school of 28 lacks a black coach in the “three major sports.” [182] at 61–62. Elsewhere in the District, however, all three major sports have at least one black coach. *Id.* at 62. Since perfection is not the standard, the Court will not deny the District’s good-faith compliance because one school is an outlier. The Court finds credible Ms. Hollis’s testimony that across-the-board diversity is “a goal of [the District’s] to keep striving for.” *Id.* at 61. This reinforces the District’s good-faith commitment to diversity across the entire organization, including among its coaches.

The District has demonstrated its good-faith compliance with the Court’s extracurricular-activity orders.

ii. Elimination of Vestiges of Discrimination

The Court next considers whether under *Quarles*’s equal-access standard the District has taken every practicable measure to eliminate discrimination from its extracurricular activities. It has.

As *Quarles* did, the Court considers the District’s extracurricular policies, the voluntary nature of its activities, and its efforts to encourage interracial participation. 868 F.2d at 757–58. The District’s policies are race-neutral for the reasons the Court gave during its good-faith analysis above. Further, participation is voluntary, and the District encourages participation from all students regardless of race. [177] at 118. The District has satisfied *Quarles*’s equal-access standard.

The District has taken other measures to ensure no vestiges of discrimination remain in its extracurricular programs. It has worked to reduce financial barriers to student participation, regardless of race. It operates a fee-waiver program to allow students to apply for exemption from extracurricular activity fees. *See* [181-34] at 2; [181-46] at 2; [177] at 114–15.³⁷ For students who qualify for free or reduced lunch, the District has relaxed the process of qualifying for its fee-waiver program. [181-34] at 7 (exempting students from income-related application requirements); [177] at 117. Students’ participation is confidential, and the policy protects students from discrimination, “stigma[,] or ridicule.” [181-34] at 2. The District has also budgeted funds to support all-student participation in art programs and to assist schools with general student hardship needs. [181-46] at 2; [177] at 115.

And the District has worked to ensure that parents and students know about these resources. [181-46] at 2; [177] at 114–15. It communicates fee-waiver information at student registration, on school and District websites and social media, in student handbooks, and at parent meetings. [181-46] at 2; [177] at 114–15.

For good measure, to encourage all-student participation in athletic programs, the District offers no-cost physicals. [177] at 118; [181-46]. Dr. Stocks testified that the District has also implemented “supportive measures” to help with

³⁷ During the hearing, Plaintiffs’ counsel cross-examined Dr. Stocks about the waiver policy’s apparent exclusion for extracurricular fees. [177] at 192–93. Dr. Stocks acknowledged the form’s text but testified that the District’s current practice is to waive extracurricular fees for qualifying students. *Id.*; *see also* [181-46] at 2 (“RCSD Policy JS Fee Policy updated to include fee waiver changes”).

higher-cost sports. [177] at 185, 192–93. The District trains its athletic directors about the fee-waiver policy and requires that athletic staff inform parents of the policy, and it reminds athletic staff of these requirements during the school year. [181-35] at 13, 17; [177] at 121–22; 12/14/2023 Email [181-36].

Moreover, Dr. Stocks testified that the District surveyed its staff “to expand opportunities for diverse leadership and cosponsoring of different clubs and organizations.” [177] at 115; *see also* [181-46] at 1. In *Quarles*, the Fifth Circuit affirmed a district’s unitary status in part because “the administration encourages teachers of both races to serve as activity sponsors.” 868 F.2d at 757.

In the Court’s view, these cumulative efforts demonstrate the District’s desire to “inspire confidence in the community that [the District] is working to ensure that all students will be treated equally.” *Id.*

And the District’s extracurricular activities are, in fact, diverse. The District’s 2023–24 Extracurricular Data shows that of more than 350 student organizations spread across the District, only about 10% lacked black student participation. [181-37]. And several of those were small, niche groups that have few members anyway. *Id.* Otherwise, the District’s extracurricular programs largely see participation from a diverse group of students. *Id.*; *see also Singleton*, 541 F. Supp. at 908 (granting unitary status in extracurricular activities where activities were “available to all students” and “[s]tudents of all races [were] participating”). In fact, sometimes black students are overrepresented in activities compared to their racial percentage. *See*

[177] at 204–05 (acknowledging overrepresentation and explaining that student interest drives student participation).³⁸

Once again, Plaintiffs’ opposition rests on racial disparities. They say some activities have too few black participants, coaches, and sponsors. [150] at 38–39. The Court already explained why the District’s coaches and sponsors are diverse enough to support the District’s unitary status. As to student participation, a few racial imbalances do not persuade the Court the District has more to do. The District’s activities are largely diverse, with few organizations showing low black representation. Dr. Rossell agreed, finding that “black students are participating in extracurricular activities at these schools close to their proportion in the student body” and “races [are] fairly evenly distributed across . . . activities.” [181-5] at 30. She also observed that the District has about the same level of distribution as four other school districts declared unitary in extracurricular activities. *Id.* The Court finds nothing in the record suggesting any racial imbalances stem from de jure segregation. On the contrary, the District has proven it permits students to choose

³⁸ Although the District opens its activities to all students, the Court recognizes that students’ experiences likely differ. During the hearing, a former District student and her mother described their experiences with one school’s cheer program. [182] at 77–87. Both lamented the high costs of cheer participation and the isolation they felt from teammates and other parents. *Id.* The Court is sympathetic to these highly individual experiences but does not find they arose from discrimination that the District caused or condoned. The Fifth Circuit has held that two incidents do not prove an organization-wide policy of discrimination. *Quarles*, 868 F.2d at 757 (two employment decisions did not prove a policy). So under *Quarles*—a case involving alleged cheer-team discrimination too—this single incident can’t either. Furthermore, as the Supreme Court observed in *Swann*, the Court’s role is to eliminate school-system discrimination; it cannot resolve the “myriad factors of human existence” that lead to unrelated racial, religious, or ethnic discrimination. 402 U.S. at 22.

their activities and “aim[s] to try to break any barriers to what they would wish to pursue.” [177] at 205; *see also Quarles*, 868 F.2d at 757–58 (affirming unitary status in extracurricular activities despite several racially identifiable activities).

d. Unitary Declaration as to Extracurricular Activities

Based on the evidence and testimony presented at the hearing, the District has proven that its extracurricular activities are open to any student, regardless of race. Racial diversity exists across the District’s extracurricular spectrum—in student participation, coaching, and faculty sponsorship. And, while some one-race activities persist, the Court finds that those imbalances are due to personal choice or other race-neutral factors, not remnants of prior discrimination. The District has complied in good faith for a reasonable time with the Court’s orders to desegregate its extracurricular activities and has eliminated to the extent practicable the vestiges of prior de jure discrimination. The District is unitary in the area of extracurricular activities.

V. Conclusion

“From the very first, federal supervision of local school systems was intended as a temporary measure to remedy past discrimination.” *Dowell*, 498 U.S. at 247. Now, after almost 60 years, the Court concludes its supervision.

For the reasons stated, the Court GRANTS the District’s [98] Motion and declares the District unitary in student assignment, faculty and staff assignment, quality of education, and extracurricular activities. The Court withdraws its supervision, dissolves all injunctions, and dismisses the case with prejudice. The

Court also DENIES the [155] Motion to Exclude and the [175] Motion for Judicial Notice. The case remains closed.

The Court has considered all arguments. Any arguments the Court did not address would not have changed the outcome.

SO ORDERED, this 28th day of July, 2026.

s/ *Kristi H. Johnson*

UNITED STATES DISTRICT JUDGE