

TYLER ISD

Legal Principles Regarding Unitary Status

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Legal Principles for Unitary Status

1. To obtain unitary status TISD must prove that it has:
 - (i) complied in good faith with its desegregation orders for a reasonable period of time; and,
 - (ii) eliminated the vestiges of prior discrimination to the extent practicable.
2. A declaration of unitary status signals the beginning of the end of federal judicial supervision over TISD'S operations.

Legal Principles for Unitary Status

3. School boards that operated state-compelled dual system schools have the affirmative duty to convert to a unitary system in which racial discrimination is eliminated “root and branch.”

4. Unitary status is achieved when a school district is devoid of racial discrimination with regard to: (i) *faculty*, (ii) *staff*, (iii) *student assignment*, (iv) *facilities*, (v) *transportation*, (vi) *extracurricular activities*.

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5. Compliance with Court Orders For a Reasonable Period of Time:

- Court entered original Desegregation Order, July 27, 1970, and 15 Modified Orders (Court order relates to African American and white students and teachers only)
- TISD has operated under the Desegregation Orders for 45 years
- TISD has complied with each of the orders
- Since 2001 – 2013 the Court has approved the actions requested by TISD as being in best interests of students
- DOJ review in 2012 found TISD complied in the areas of Facilities and Extracurricular Activities
- Since 1972 TISD has no history of judicial enforcement or DOJ enforcement actions of the Desegregation Orders

Legal Principles for Unitary Status

6. Green Factors:

- Faculty
- Staff
- Student Assignments
- Facilities
- Transportation
- Extracurricular Activities

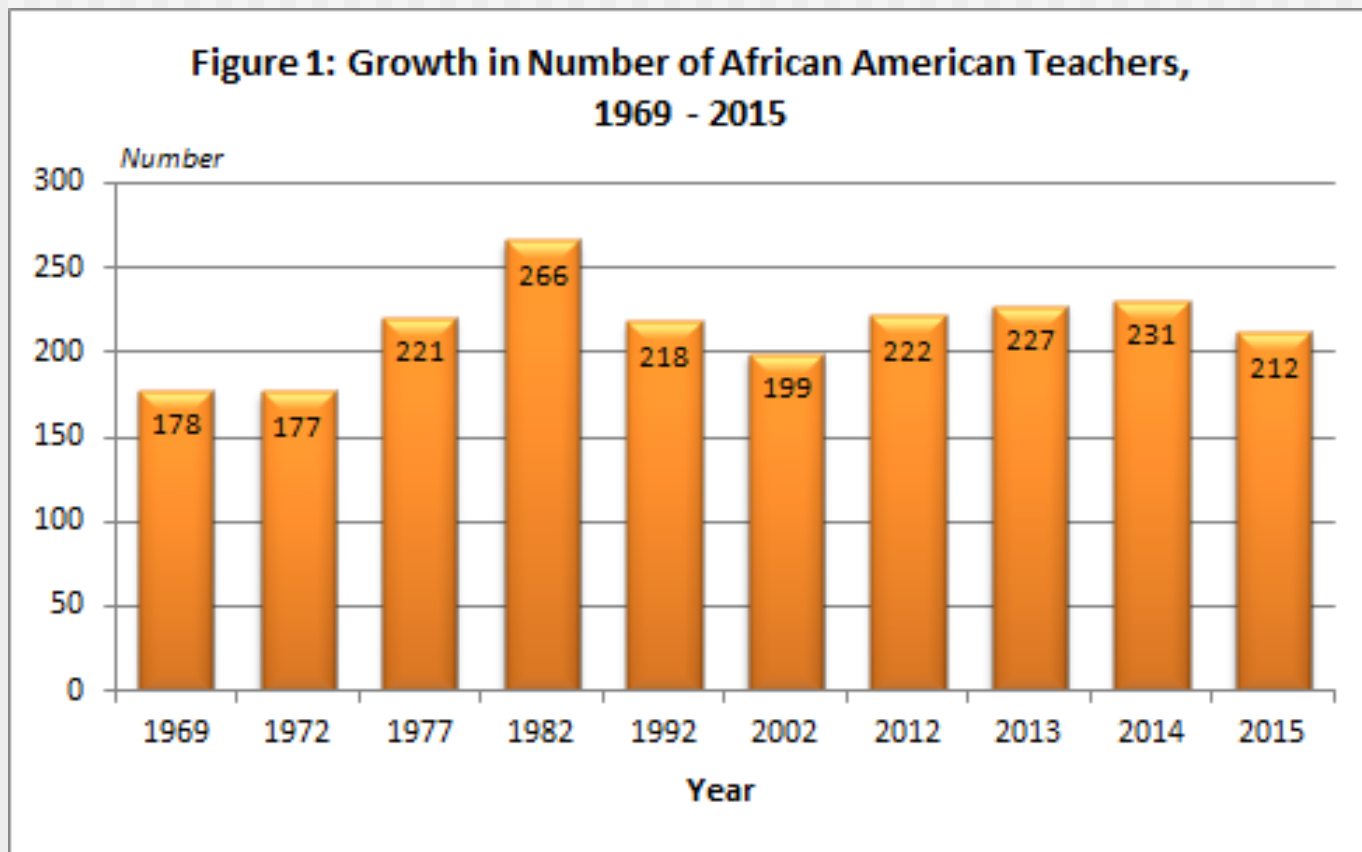
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7. Faculty and Staff Assignments:

(i) The racial composition of faculty and staff within a district's schools must be substantially the same as the racial composition of faculty and staff throughout the district.

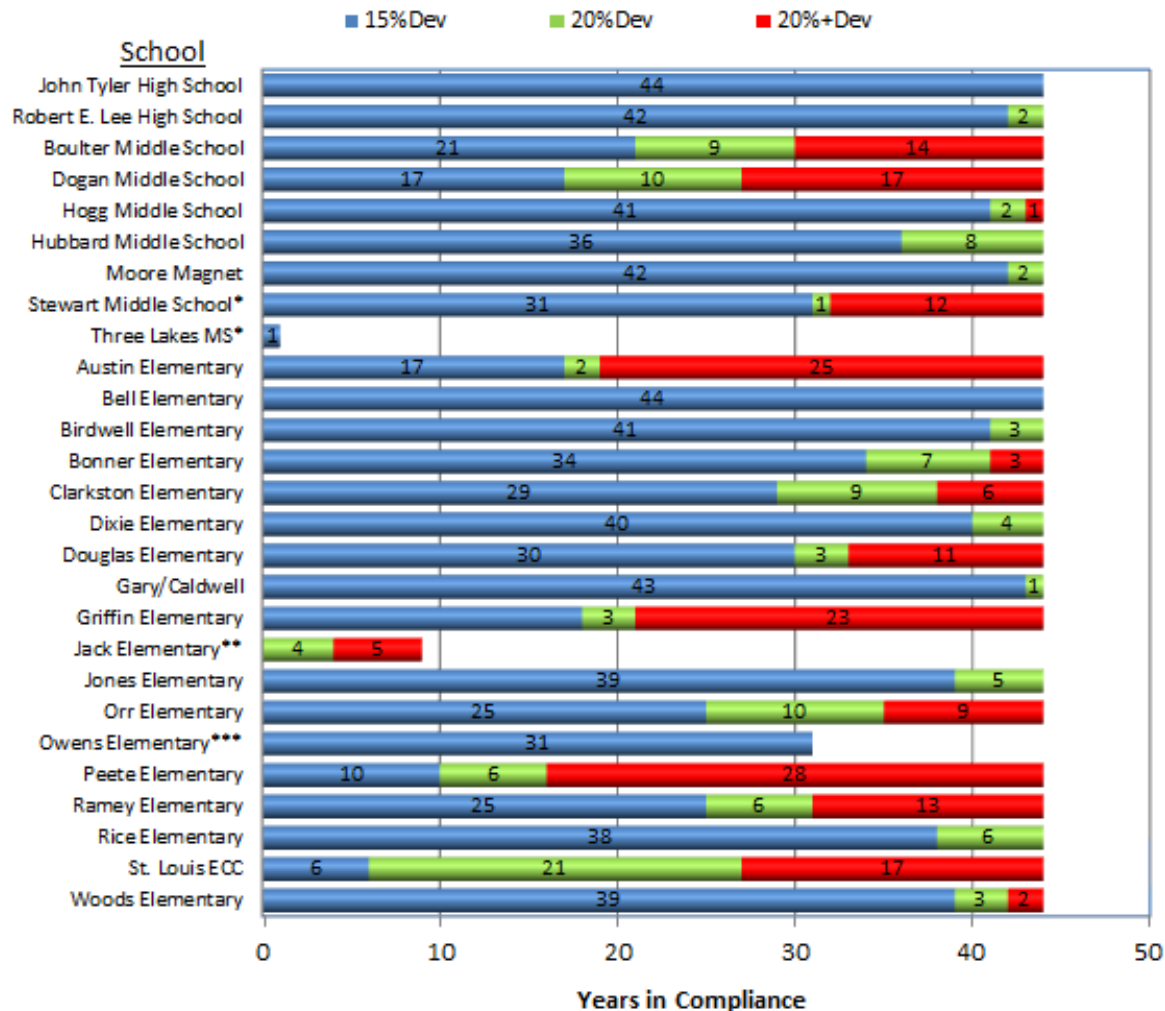
(ii) The racial composition of the principals, teachers, teacher-aides and other staff who work directly with children at a school cannot be such that it indicates that the school is intended for African American students or white students.

Legal Principles for Unitary Status



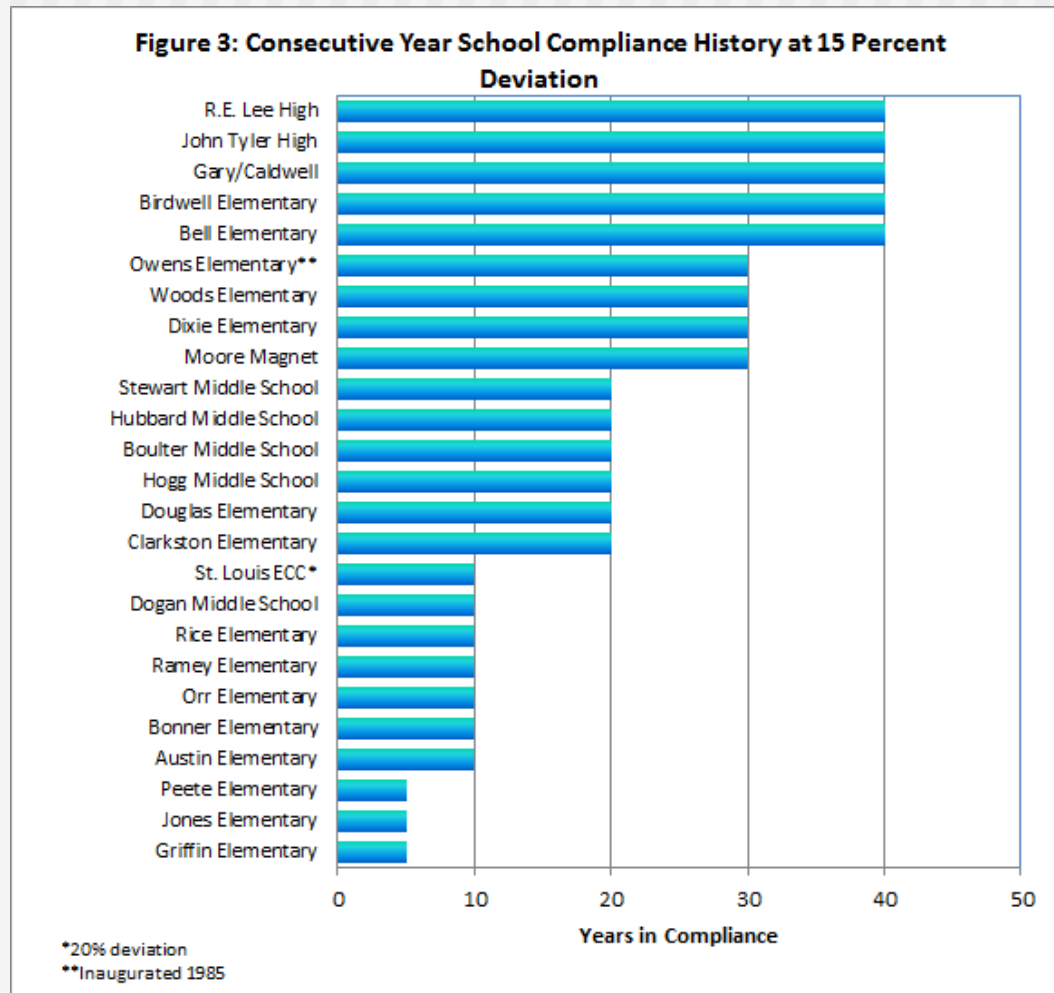
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Figure 2: School Singleton Compliance History, 1972-2015



*In 2015, Stewart Middle School closed and Three Lakes Middle School was inaugurated./**Jack was inaugurated in 2007. / ***Owens was inaugurated in 1985.

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Legal Principles for Unitary Status

8. Student Assignment:

- TISD eliminated all one-race schools in 1972.
- TISD eliminated all racially identifiable schools.
- TISD has eliminated racially imbalanced high schools, middle schools and elementary schools
- TISD eliminated overlapping school attendance zones.
- TISD has undergone districtwide dramatic demographic shifts in racial composition
- TISD has implemented Magnet programs at Moore Middle School and Jones Elementary, Bell Academy, Caldwell Arts Academy.
- Student transfers account for less than 3% of students and have not resulted in recurrence of dual system.

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9. Facilities:

- TISD has passed 6 Bond programs 1975 – 2013.
- Over \$450 Million.
- New construction and renovation of middle schools and elementary schools, and facilities.
- Constructed new Career and Technology Center.
- Opened new schools due to overcrowding, with court approval.
- Closed some schools per court orders.

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10. Transportation:

- TISD eliminated 1970 segregated bus routes identified by the court.
- Bus routes in 2015 serve all eligible students on the route.
- No circuitous/gerrymandered routes.

11. Extracurricular activities:

- Athletics
- Student academic and non-academic organizations

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12. Additional factors Courts can consider:

Quality of Education is an additional factor considered in determining whether a school district should be deemed unitary. A Court evaluates whether:

- (i) Racial disparity exists in the provision of resources; and,
- (ii) Equal educational opportunity is provided to minority students.

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13. Documents reviewed as part of legal analysis:

- Analyze archived records and court filings
 - i. HEW Report
 - ii. 1970 Complaint, pleadings, motions, docket entries, zoning maps, and court orders.
 - iii. TISD Compliance Reports, 1972-2015.
- Analyze TEA Regulatory Materials
 - i. School Report Cards
 - ii. Highly Qualified Teacher Surveys
- Analyze TISD Materials
 - i. Board Minutes, 1972-2015
 - ii. Campus Improvement Reports
 - iii. Superintendent's Annual Reports
- Analyze Consultant Reports
- Review and analyze discovery and other materials related to Dept. of Justice 2012 Investigation
- DOJ Letter of Findings
- Interviews of key TISD administrators

Legal Principles for Unitary Status

14. TISD has satisfied its burden and is eligible for unitary status:

- Good faith compliance with its desegregation orders for a reasonable period of time; and,
- Vestiges of prior discrimination have been extinguished to the extent practicable.