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BELK V. CHARLOTTE-MECKLENBURG BD. OF EDUC., 269 F.3d 305 (4th Cir. 2001)

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FACTS

Christina Capacchione, a white female, was denied admission to a magnet school in the Charlotte-Mecklenburg School system (CMS).[1] In 1992, CMS adopted a plan to fill the available seats in the system's magnet schools based on the race of the student applicants.[2] The plan established separate lotteries for African-American students and non-African-American students to ensure racial balance.[3] If too few students from either group applied for admission to the magnet schools, CMS would recruit students from the under-represented group even when students of other race wanted to enroll.[4] If CMS failed to recruit an adequate number of students representing either race, it would leave spots designated for students of that race unfilled.[5] The school placed Christina Capacchione on a waiting list.[6] In 1997, William Capacchione, her father, brought suit against the school on her behalf challenging the admission policy. He claimed that the school system unconstitutionally denied her admission because of her race.[7]

After filing this suit, the plaintiffs in *Swann v. Charlotte-Mecklenburg Bd. of Education*[8] sought to reinstitute their original suit concerning the desegregation of the system and consolidate it with the Capacchione's lawsuit.[9] The *Swann* plaintiffs claimed that the school system still maintained the characteristics of a dual school system and that the use of race in magnet school admissions racial balance.[10] The court granted the plaintiff's motion to reopen the *Swann* litigation and allowed Capacchione, and a group of white parents that were "seeking a finding that CMS had eradicated all vestiges of past discrimination" to intervene in the litigation.[11] The court referred to these parties as the "plaintiff-

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[1] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 316 (4th Cir. 2001).
[2] *Id.*
[3] *Id.*
[4] *Id.* at 316-17.
[5] *Id.* at 317.
[6] *Id.*
[7] *Id.* at 316.
[8] Swann v. Charlotte-Mecklenburg Bd. of Educ., 399 U.S. 926 (1970).
[9] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 317 (4th Cir. 2001).
[10] *Id.*
[11] *Id.*

interveners."[12] After these white parents asked the court to declare unitary status,[13] CMS created a remedial plan for school desegregation.[14]

Prior Litigation

The first litigation involving CMS was *Swann v. Charlotte-Mecklenburg Board of Education*.[15] In *Swann*, plaintiffs representing African-American children of the Charlotte-Mecklenburg Schools (CMS) sued the school board for constitutionally inadequate desegregation efforts.[16] In a series of decisions, the district and circuit courts found that CMS's desegregation efforts remained ineffective and that the school district remained segregated.[17] Because the court believed that the system intentionally delayed desegregation, the district court appointed an expert, Dr. John A. Finger, to design a desegregation plan.[18] Dr. Finger's plan relied on ratios to set school enrollment, group schools, and bus students.[19] After considering a number of plans, the court favored Dr. Finger's plan.[20] The circuit court affirmed this plan in part, but reversed the portion proposing to bus young students.[21]

The Supreme Court granted certiorari and reviewed the district court's power to impose a desegregation plan on CMS.[22] In *Swann v. Charlotte-Mecklenburg Board of Education*,[23] the Court affirmed the district court's plan and reviewed four areas for consideration in school desegregation plans.[24] First, the Court held that using math ratios in a limited manner provided a legitimate measurement tool, but warned courts not to adopt fixed ratios for each school in a district.[25] Second, the Court held that single race schools do not violate the constitution per se, but courts must use "close scrutiny" to determine whether school assignments resulted

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[12] *Id.*

[13] *See* Freeman v. Pitts, 503 U.S. 467, 487 (1992) (not setting forth a strict definition of "unitary" status so as not to confine the district courts); Milliken v. Bradley, 418 U.S. 717, 737 (1974) (stating that a court must declare a school system unitary when it has ended discrimination on the basis of race).

[14] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 324 (4th 2001).

[15] *Id.* at 313-14 (citing Swann v. Charlotte-Mecklenburg Bd. of Educ., 243 F. Supp. 667 (W.D.N.C. 1965)).

[16] *Id.* at 314 (citing Brown v. Bd. of Educ., 347 U.S. 483 (1954)).

[17] *Id.* at 314-15.

[18] *Id.* at 314.

[19] *Id.*

[20] *Id.*

[21] Swann v. Charlotte-Mecklenburg Bd. of Educ., 431 F.2d 138, 147 (4th Cir. 1970) (en banc).

[22] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 315 (4th Cir. 2001).

[23] Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1 (1970).

[24] *Id.* at 22.

[25] *Id.*

from state sponsored segregation.[26] Third, the Court stated that "pairing and grouping of non-contiguous school zones" allowed, but did not set, rules for the courts to follow.[27] Fourth, the Court held that busing provided a useful tool for desegregation, if maintaining restrictions based on time and distance.[28]

After the Supreme Court's affirmation of the district court's plan, CMS requested that the district court abandon the expert's plan and adopt a feeder plan devised by CMS.[29] The district court discarded this original feeder plan.[30] The district court later approved a revised feeder plan that reopened former African-American schools and prevented over-and under-utilization of facilities.[31] Two years later, the district court determined that this plan did not work because formerly African-American schools would return to being predominantly African-American if the plan continued.[32] In 1974, the district court approved a plan designed by a citizen advocacy group.[33] The group structured the plan to avoid creating schools with an African-American majority and to allocate equally the busing burden.[34] After this decision, the court removed *Swann* from the docket and found that CMS was addressing the problem of a dual race school system sufficiently through its desegregation plan.[35]

In 1978, a group of white parents sought to enjoin CMS from reassigning 4,000 students to achieve racial balance within certain schools.[36] The court rejected the challenge to the reassignment.[37] In 1980, the district court reviewed the desegregation plans in light of the growth of the African-American student population from twenty-nine percent to forty percent.[38] The court allowed CMS to operate schools with African-American student bodies fifteen percent greater than the district-wide average.[39]

Current Litigation

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[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] Swann v. Charlotte-Mecklenburg Bd. of Educ., 328 F. Supp. 1346, 1347 (W.D.N.C. 1971).
[30] *Id.* at 1353.
[31] Swann v. Charlotte-Mecklenburg Bd. of Educ., 334 F. Supp. 623, 631 (W.D.N.C. 1971).
[32] Swann v. Charlotte-Mecklenburg Bd. of Educ., 362 F. Supp. 1223, 1229 (W.D.N.C. 1973).
[33] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 316 (4th Cir. 2001).
[34] Swann v. Charlotte-Mecklenburg Bd. of Educ., 379 F. Supp. 1102, 1103 (W.D.N.C. 1975).
[35] Swann v. Charlotte-Mecklenburg Bd. of Educ., 67 F.R.D. 648, 650 (W.D.N.C. 1975).
[36] *See* Martin v. Charlotte-Mecklenburg Bd. of Educ., 475 F. Supp. 1318 (W.D.N.C. 1978).
[37] *Id.* at 1321.
[38] *Belk*, 269 F.3d at 316.
[39] *Id.*

No further litigation transpired until the action brought by Mr. Capacchione's action.[40] After the trial, the district court ruled that CMS had achieved unitary status and the raced-based enrollment policy for the magnet schools was outside the prior desegregation orders.[41] The district court issued an injunction ending any race-based lotteries in student assignment for the 2000-2001, as opposed to 1999-2000, school-year and awarded Christina Cappachione nominal damages and attorney fees.[42] Then, "CMS moved to stay the injunction for the system except as it applied to the magnet schools, until 2001-2002 school-year."[43] The *Swann* plaintiffs moved for a complete stay of the injunction.[44] The district court denied both motions.[45] CMS and the *Swann* plaintiffs then moved for a stay, pending appeals.[46] The circuit court granted the stay of the injunction and heard the appeal.[47] First, a divided panel of the circuit vacated and remanded the district court's order, holding that the findings were inadequate.[48] The court deemed the findings insufficient regarding student assignment, facilities and resources, transportation, and student achievement.[49] Second, the court ruled that the magnet school maintained a permissible admissions policy allowable under the original desegregation plan.[50] Finally, the panel vacated the district court's injunction and award of nominal damages and attorney fees.[51] CMS and the original *Swann* plaintiffs appealed and the circuit voted to review the case *en banc*.[52]

HOLDING

The United States Court of Appeals for the Fourth Circuit affirmed the district court's finding that CMS ended the dual school system and achieved unitary status by eliminating all traces of any prior discriminatory practices.[53] The court further noted that full control of the system should be

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[40] *Id.*
[41] *Id.* at 317.
[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] *Id.*
[46] *Id.*
[47] *Id.*
[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Id.* at 312.

returned to the local authorities.[54] The court separately reversed the district court's finding that the use of race in deciding enrollment at the magnet schools was unconstitutional.[55]

ANALYSIS

First, the court reviewed the district court's ruling on unitary status for clear error.[56] The court applied the standard it set forth in *Faulconer v. Commissioner*.[57] Under the *Faulconer* standard, the reviewing court must have a "definite and firm conviction" that the original court made a mistake.[58] The court further elaborated on this standard by referencing the Supreme Court's statement in *Anderson v. City of Bessemer City*.[59] In that case, the Court stated that to find clear error there cannot be alternate interpretations of the evidence.[60] The court of appeals should uphold the district court's ruling if based on a permissible view of evidence.[61]

Next, the court stated that the Supreme Court had not presented a fixed definition for the meaning of "unitary" in the context of the school systems.[62] However, the Court had held that a school system is unitary when it does not discriminate on the basis of race and purposeful dual school system no longer exists.[63] Therefore, the party that asks the court to end its supervision has the burden of proof.[64]

The court stated that to determine the unitary nature of a school system, the court must decide whether the system has made a good faith effort to comply with the court order of desegregation and whether, within practical limits, the school system has removed remnants of historical discrimination.[65] Various factors determine whether a school system has achieved unitary status and can resume local control.[66] Such factors include student assignment, faculty assignment, facilities and resources,

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[54] *Id.*
[55] *Id.*
[56] *Id.* at 317.
[57] *Id.* at 318 (citing Faulconer v. Comm'r, 748 F.2d 890, 895 (4th Cir. 1984)).
[58] *Id.* (quoting Faulconer v. Comm'r, 748 F.2d 890, 895 (4th Cir. 1984).
[59] *Id.* (citing Anderson v. City of Bessemer City, 470 U.S. 564, 573-74 (1985)).
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] *Id.*
[64] *Id.*
[65] *Id.*
[66] *Id.*

transportation, staff assignment, and extracurricular activities.[67] The court addressed these factors in order.

The court stated that student assignment is the most important of all factors used to determine unitary status because the separation of students based on race is the core of the dual system.[68] The court upheld the district court's use of a fifteen percent variance in a school's African-American student ratio to the district average to detect the presence of discrimination.[69] In *Swann,* the district court approved a plus-fifteen percent variance and the Supreme Court upheld the limited use of ratios.[70]

The court approved also the district court's finding that, within CMS, sixteen percent of schools had African-American student bodies with greater than fifteen percent variance for more than three years and thirteen percent had a less than fifteen percent variance for more than three years.[71] The court also accepted the district court's finding that CMS scored well on two desegregation measures; the first measured the variance of each school's student population from the district's overall population, and the second measured the amount of interracial exposure available to students at the school.[72]

The court accepted the district court's rejection of the *Swann* plaintiffs' and CMS's claim about an increase in racial imbalance in recent years.[73] The court accepted the argument that two demographic changes, a growth in the percentage of African-American students, and a shift in the white population to the southern portion of the county, precipitated the increase in racial imbalance.[74] The court stated racial imbalance does not provide conclusive proof of discrimination.[75] Overall, the court approved of the finding that the school system's near perfect compliance with the prescribed ratios had no connection with *de jure* discrimination.[76] Further, the court noted the school board had no duty to resolve racial imbalances that result from demographic shifts.[77]

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[67] *Id.*
[68] *Id.* at 319.
[69] *Id.*
[70] *Id.*
[71] *Id.* at 319-20.
[72] *Id.* at 320.
[73] *Id.*
[74] *Id.*
[75] *Id.* at 321.
[76] *Id.* at 322.
[77] *Id.* at 321.

Next, the court addressed the *Swann* plaintiffs' contention that the increased school discrimination occurred because of the schools system's decisions in school siting, transportation, and school transfers.[78] The plaintiffs based their argument on a prior case in the long history of CMS discrimination, *Martin v. Charlotte-Mecklenburg Board of Education.*[79] In that case, parents sought to enjoin CMS from assigning students to schools for racial balance purposes.[80] The court upheld CMS's reassignment.[81] Here, however, the court rejected the *Swann* plaintiffs' argument for three reasons: *Martin* was not a unitary status case, the appellate court must defer to the district court's ability to interpreting its own cases, and the shift in the Supreme Court's desegregation jurisprudence did not support their contention.[82]

The court of appeals reviewed the facts and accepted the district court's finding that the school system's school siting contained no evidence of discriminatory policy.[83] Confronted with a massive population growth and shifting demographics, the school board continued to consider the racial balance of its schools.[84] The court also accepted the trial court's findings that traffic patterns, growth, and housing patterns accounted for the disproportionate burden of student busing, and that the school system adequately accounted student transfers.[85]

The court closely examined the district court's findings regarding any differences in facilities and resources among schools.[86] First, the court agreed with the *Swann* plaintiffs contention that the district court improperly placed the burden of proof regarding this issue on CMS and the *Swann* plaintiffs.[87] Nevertheless, this amounted to only harmless error.[88] The evidence proved the absence of discrimination in the facilities, regardless of where the burden of proof fell. The court found that the issue should not be remanded.[89] Second, the district court did not find any discrepancies between racially imbalanced schools and white schools that needed to be

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[78] *Id.* at 323.
[79] *Id* (citing Martin v. Charlotte-Mecklenburg Bd. of Educ., 475 F. Supp. 1318 (W.D.N.C. 1979)).
[80] *Id.*
[81] *Id.*
[82] *Id.* at 324.
[83] *Id.* at 324-26.
[84] *Id.* at 325.
[85] *Id* at 326.
[86] *Id.* at 326-29.
[87] *Id.* at 326-27.
[88] *Id.* at 327.
[89] *Id.*

replaced.[90] Third, although CMS's policy to renovate old schools under a different building standard disproportionately affected African-Americans, it was not proof of discrimination.[91] This policy applied to all old schools regardless of student body but African-American inner-city schools tended to be older.[92]

The court upheld the lower court's determinations that no evidence of discrimination by the school system with regard to faculty assignment, transportation, staff assignment, and extracurricular activities was present.[93] The court considered three ancillary factors that tend to show a non-unitary school system: teacher quality, student achievement, and student discipline.[94] The court accepted the district court's conclusion that there was no material difference among schools regarding the quality of the teachers.[95] Although teachers in imbalanced African-American schools had less experience, the court noted that experience "does not necessarily correlate to competency."[96] Despite the gap in achievement between African-American and white students, the court attributed the disparity to socioeconomic factors rather than discrimination.[97] The court also found that all schools held students to the same disciplinary standards.[98]

The court upheld the district court's ruling that CMS acted in good faith, finding that the desegregation plan had become institutionalized throughout the school system.[99] In doing so, it noted the district court's finding that seven factors supported the conclusion of CMS's good faith: (1) no parties had sought further relief after the case was removed from the docket; (2) CMS had gone "above and beyond" the court orders to eliminate racial imbalance; (3) the board had been open to and sought community input to its desegregation plans; (4) the board had repeatedly announced its commitment to desegregation; (5) African-Americans accounted for four of the nine seats on the school board; (6) the board's actions over the preceding thirty years did not suggest discrimination, and (7) there was no evidence that the school board was "guilty of easily correctable errors."[100]

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[90] *Id.*
[91] *Id.*
[92] *Id.* at 327-28.
[93] *Id.* at 326, 329-30.
[94] *Id.* at 330-33.
[95] *Id.* at 330.
[96] *Id.*
[97] *Id.* at 331.
[98] *Id.* at 332.
[99] *Id.* at 333.
[100] *Id.* at 332.

Next, the court considered the district court's rejection of CMS's remedial plan for student assignments.[101] The *Swann* plaintiffs and CMS claimed that the out of hand rejection of the plan was an error in law and amounts to a reversal of unitary status determination.[102] The two parties claimed that the district court must consider both what a school district has done and what it may do in the future.[103] The district court's failure to consider the latter prong of the test prompted the *Swann* plaintiffs to assert that the court of appeals should reverse the district court's order.[104] The basis for this contention rested in *Board of Education v. Dowell*.[105] *Dowell* directed federal courts to consider "whether the Board has complied in good faith with the desegregation decree since it was entered, and whether the vestiges of past discrimination ha[ve] been eliminated to the extent practicable."[106] The court ruled that the second prong did not require the district court to examine the remedial plan drafted after the start of litigation, but noted that the district court did address whether historical discrimination had been alleviated to the extent possible.[107]

The court then addressed the district court's refusal to consider the remedial plan in light of Federal Rule of Evidence 402.[108] FRE 402 allows for the admissibility of relevant evidence except as prohibited by the Constitution, Acts of Congress, and other evidence rules.[109] The court determined that the remedial plan mostly did not offer any additional evidence otherwise not admitted and therefore had low probative value.[110] The court found its exclusion was harmless to the extent the remedial plan contained unique and relevant evidence.[111]

The court was closely split on whether it should consider the use of race to admit students to magnet schools as a constitutional violation of the non-African American students' rights. A 6-5 majority reversed the district court's ruling that the use of race was outside the scope of CMS's power

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[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.* at 334.
[105] Bd. of Educ. v. Dowell, 498 U.S. 237 (1991).
[106] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 334 (4th Cir. 2001).
[107] *Id.* at 334-35.
[108] *Id.* at 335.
[109] *Id.*
[110] *Id.*
[111] *Id.*

under the desegregation plan.[112] However, the majority wrote two opinions, one in which two judges joined[113] and the other in which four joined.[114]

The first opinion stated that the magnet school plan would be unconstitutional if it were enacted today because of changes in the Fourth Circuit's jurisprudence.[115] The court has held that the Fourteenth Amendment protects all citizens regardless of race and therefore reverse discrimination practices are unconstitutional.[116] The court noted that the question for the court to consider, however, is whether CMS was acting properly under the desegregation plan and the courts' rulings.[117] This first opinion stated that CMS's use of strict ratios was reasonable considering the judicial opinions that had preceded its implementation of the magnet school program.[118] The court cited three prior decisions in the long line of cases involving CMS that suggested that the use of strict ratios was constitutional.[119] The opinion concluded that to find CMS had acted unconstitutionally in setting up the magnet schools would ask them to ignore the prior opinions of the courts.[120]

The court recognized that the prior desegregation plans supported the school board's admission policies for the magnet schools.[121] In *Swann v. Charlotte-Mecklenburg Board of Education*,[122] the district court ordered CMS to "maintain the racial makeup of each school."[123] If the prior court orders were incorrect, the proper course is to remedy it through the judicial process and not to expect the school district to adapt the order as it deems necessary.[124]

The second opinion provided more detail in reversing the district court's holding that the magnet school program was unconstitutional.[125] First, the judge writing the opinion stated that CMS was not considered a unified district when it started the magnet school program and therefore

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[112] *Id.* at 311.
[113] *Id.* at 353-55.
[114] *Id.* at 397-412.
[115] *Id.* at 353.
[116] *Id.* (citing Tuttle v. Arlington County Sch. Bd., 195 F3d. 698 (4th Cir. 1999); Eisenberg v. Montgomery County Pub. Sch., 197 F.3d 123 (4th Cir. 1999)).
[117] *Id.*
[118] *Id.* at 353-54.
[119] *Id.*
[120] *Id.* at 354.
[121] *Id.*
[122] Swann v. Charlotte-Mecklenburg Bd. of Educ., 311 F. Supp. 265 (W.D.N.C. 1970).
[123] Belk v. Charlotte-Mecklenburg Bd. of Educ., 269 F.3d 305, 354 (4th Cir. 2001).
[124] *Id.* at 355.
[125] *Id.* at 397-98.

acted under the court's desegregation orders.[126] The opinion noted that the plaintiffs seeking an injunction against the magnet schools' enrollment program argued the following three points: the plan was separate from the court ordered desegregation plan; the race conscious enrollment disobeyed the desegregation plan; and if the enrollment plan were in compliance with the court orders, the district court should review it under strict scrutiny.[127] The district court rejected the first and third argument but found the second one persuasive.[128]

The second plurality opinion stated that the district court made two errors in its conclusion concerning the magnet schools.[129] First, the district court ignored the general protection that school boards maintain while acting under court desegregation orders.[130] The opinion cited the Supreme Court's opinions stating that parties subject to injunctions must follow these injunctions even if there are grounds to object to the order[131] or the court later sets aside the injunction.[132] Further, the court cited two Supreme Court opinions holding that school boards specifically must follow court orders for desegregation until the court relieves them of the order, regardless of other considerations.[133]

The district court also failed to recognize the broad and expansive nature of the court orders under which the board operating. Thus, CMS's magnet school served as a good faith effort to comply with court orders and comply with the constitution.[134] The opinion quoted from the prior cases in this litigation. Echoing the first opinion that reversed the district court, the second opinion quoted previous *Swann* decisions in which the court generally permitted the desegregation plan.[135] Further, CMS's race conscious enrollment plan for magnet schools provided an appropriate means toward realizing court ordered desegregation.[136] The opinion pointed out that to be practicable, any attempt to desegregate must contain some

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[126] *Id.*
[127] *Id.* at 398.
[128] *Id.* at 398-99.
[129] *Id.* at 399.
[130] *Id.*
[131] *Id.*
[132] *Id.*
[133] *Id.*
[134] *Id.*
[135] *Id.* at 401-02.
[136] *Id.* at 402.

reference to ratios.[137] While the courts may not set the ratios for students of each race, school board has to power to use ratios.[138]

CONCLUSION

In Belk v. Charlotte-Mecklenburg Board of Education, the court decided two important issues. First, the court determined whether CMS had achieved unitary status with regard to race. Second, the court found that the use of race in determining magnet school enrollment was constitutional. With regard to the first issue, the court upheld the findings of fact at the district court level. The court based its determination on the current and historical student ratios within the schools and the lack of any evidence showing the school board had acted in any manner contrary to the desegregation order. Most significantly, the court ruled that the trial court does not have to consider a remedial plan the school board developed after the initiation of the litigation. Federal courts supervision of school systems should not continue until it is impossible to further desegregate the system but should continue until desegregation has been eliminated to an extent practicable. This holding and repeated statements by the court emphasize the federal courts' inclination to return the control of school systems to local authorities.

A commentator studying the East Baton Rouge desegregation litigation reached a similar conclusion in reviewing recent federal circuit court decisions.[139] Speaking generally, the writer stated that "[t]he courts seem more willing to compromise policies of desegregation in order to return school systems to local control."[140] With regard to CMS, this statement seems to be too strong. The court of appeals is deferential to the lower court and this deference seems to reflect an unwillingness to scour the facts to find desegregation more than a "compromise" of desegregation policies. In fact, the federal courts have closed desegregation cases in cities in all parts of the country.[141] The CMS decision serves as a continuation of this trend.

The reversal of the district court's ruling on the magnet school program is based on two opinions. Both opinions agree that the court should

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[137] *Id.* at 403-05.
[138] *Id.* at 404-06.
[139] Jessica Watson, *Quest for Unitary Status: The East Baton Rouge Parish School Desegregation Case*, 62 LA. L. REV. 953, 972 (2002).
[140] *Id.*
[141] Wendy Parker, *The Future of School Desegregation*, 94 N.W. L. REV. 1157, 1157 (2000).

not find constitutional violations by CMS when it acts in a manner consistent with opinions of courts in prior litigation. Parties acting under a court order cannot be held to violate the Constitution because they are bound to follow the order first. Non-African Americans could have sought to revise the original court orders involving desegregation.

These opinions offer a degree of stability and determinability to the affected school districts. These districts do not, and should not, have to continually adjust their desegregation plans to conform to changes in the federal appellate court's jurisprudence. That contemplation is outside of the expertise of school districts. Also, this plan removes the possibility of mistake on the part of the school district. A school district may misinterpret a court opinion or prematurely bring an end to its actions to remedy school discrimination. The better method is to require affected parties to challenge the original court order.

Summary and Analysis Prepared By:
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