

By: Senator(s) Fillingane

To: Education;  
Appropriations

SENATE BILL NO. 2977

1 AN ACT TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION  
2 TO ESTABLISH AN OFFICE OF COURT-ORDERED SCHOOL DESEGREGATION TO  
3 ASSIST MISSISSIPPI PUBLIC SCHOOL DISTRICTS TO END FEDERAL COURT  
4 SUPERVISION OF SCHOOLS AND TO IMPLEMENT PUPIL PLACEMENT PLANS  
5 WHICH WILL NOT REQUIRE COURT-ORDERED DESEGREGATION BUSING; AND FOR  
6 RELATED PURPOSES.

7 WHEREAS, Section 37-15-35, Mississippi Code of 1972, states  
8 as follows:

9 "37-15-35. No person shall be assigned to or by, or  
10 restricted from or to, any group, area, school,  
11 institution or other political subdivision of the State  
12 of Mississippi on the account of race, color, or  
13 national origin. There shall be no governmentally  
14 enforced segregation by race, color or national origin  
15 and there shall be no governmentally enforced  
16 integration by reason of race, color or national  
17 origin."; and

18 WHEREAS, "desegregation busing" is the practice of remedying  
19 past racial discrimination in American public schools by busing  
20 children to specific schools in an effort to counteract  
21 discriminatory school construction and district assignments; and

22 WHEREAS, the national trend during the 1990s and 2000s is the  
23 effort to overcome past discriminatory practices without student  
24 reassignment where some districts modified their pupil placement  
25 plans, under the supervision of the courts, to provide attractive  
26 programs in "magnet schools," build new school buildings and  
27 reconfigure older buildings to overcome years of discriminatory  
28 practices in the construction, furnishing and maintenance of  
29 public schools. After years of court supervision of schools,

30 busing programs were tapered during the 1990s as courts across the  
31 national released districts from orders under old lawsuits. The  
32 population of most cities affected by forced busing continues to  
33 decline and many anchor cities are now among the poorest cities in  
34 their respective metropolitan area, reflecting the continuation of  
35 their status prior to court-ordered integration; and

36 WHEREAS, there are numerous examples of Mississippi public  
37 school districts which have successfully petitioned the federal  
38 court to end court ordered busing and supervision and allow the  
39 local school board to implement pupil assignment, construction and  
40 neighborhood school policies consistent with federal court  
41 standards with input from the local citizens: NOW, THEREFORE,

42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

43 **SECTION 1.** The State Board of Education is empowered and  
44 directed to establish an Office of Court-Ordered School  
45 Desegregation within the State Department of Education. The  
46 purpose of this office shall be to take all necessary action to  
47 assist Mississippi public school districts to petition the  
48 appropriated federal courts to end court supervision of the  
49 schools in the district and to end court-ordered desegregation and  
50 busing orders, thereby enabling the local school board to  
51 implement pupil assignment, school construction, neighborhood  
52 school, school employment and school transportation policies which  
53 are consistent with federal court standards and consistent with  
54 input of the local residents. Any attorneys employed by the State  
55 Board of Education shall be approved by the Attorney General who  
56 shall assist the Office of Court-Ordered School Desegregation in  
57 carrying out its responsibilities.

58 **SECTION 2.** This act shall take effect and be in force from  
59 and after July 1, 2007.