

DLN:BKL:JDR:efw
DJ 169-75-19

Honorable William Wayne Justice
United States District Judge
Eastern District of Texas
Post Office Box 330
Tyler, Texas 75701

Re: United States v. State of Texas,
et al., C.A. No. 5281 (E.D. Tex.)

Dear Judge Justice:

This is in response to your letter of February 29, 1972, concerning the report filed on behalf of the Texas Education Agency (TEA) on February 3, 1972, in the above-captioned case. This report was filed pursuant to Section F(3) of this Court's orders of April 20, 1971, and July 13, 1971, and includes individual reports of sixty-nine school districts in the state in which there exist schools enrolling more than 66% minority group students; the cover letter to these reports indicates that there are approximately forty more school districts being surveyed, and reports will be forthcoming on these districts. We have reviewed those reports filed and the analyses of these reports contained in your letter. The following are our observations of those general areas of concern expressed in your letter.

1. Minority District - Consolidation: Twenty-six of the school districts enroll over 66% minority group students. With regard to these districts we make the following observations:

- a. Unlike the nine all-black districts ordered consolidated by this Court in earlier proceedings (321 F. Supp. 1043), many of these 26 districts are adjoined by districts with high concentrations of minority group students. (Attached as Exhibit A is an analysis of these districts with the racial and ethnic composition of the surrounding districts.) Consequently, consolidation of many of these districts would not substantially reduce their percentage of minority group students.

- b. Each of the all-black districts consolidated under earlier orders of this Court enrolled less than 250 students. All but two (Pawnee and Hungerford) of the twenty-six districts enroll more than 250 students. Under Section F(2) of this Court's orders of April 20, 1971, and July 13, 1971, TEA was required to show cause why districts whose total student population is fewer than 250 students should not be annexed to or consolidated with other or more independent school districts of over 150 students, or one or more common school districts of over 400 students, so as to eliminate their existence as racially or ethnically separate educational units. While TEA filed reports on 32 of these districts in August and October, 1971, such reports on Pawnee and Hungerford have not yet been filed.

- c. In the case of each of the all-black districts consolidated by earlier orders of this Court, the Court made findings as to each district that (1) transfers

of students, and annexations and de-annexations of school territory approved by or acknowledged by TEA, contributed to or perpetuated the segregated all-black districts, and/or (2) the physical facilities, curriculum and extracurricular activities, and the number and teaching assignments of faculty, all indicated that these districts were providing educational opportunities that were not equal to surrounding school districts that were predominantly white. These findings were made prior to ordering TEA and the Office of Education to consider the consolidation of these districts with the nearby, predominantly white school districts. The TEA reports on these 26 districts have not made findings as to these matters; so that we have no basis at this time for determining whether boundary lines of these districts were drawn for the purpose and with the effect of segregating children on the basis of race, color or national origin.

2. Minority Schools: The attachment to your letter indicates that seventeen districts have identifiable minority group schools. We have made the following observations:

- a. Four of these districts (Eagle Pass, Kendleton, New Home, Sinton) have total enrollments in excess of 66% minority and the racial or ethnic identifiability of individual schools within these districts does not appear to be a result of discriminatory student assignment policy. One other district (O'Donnell - 36.5% Anglo, 59.5% M/A and 4% black) has one 66% minority school. However, it is the only elementary school in the system and the student assignment policy is thus not discriminatory.

- b. Three school districts (Cotulla, Lamar and Sweetwater) have schools that are in excess of 66% minority group students because kindergarten, special education and migrant students are assigned to these schools. As explained in the TEA report, five year old students are eligible to attend kindergarten only if from low income families or educationally disadvantaged under state law. Thus, these students are largely from minority groups. Under state law kindergarten will become state-supported for all students over a five year period. Assignment of students to special education and migrant classes or school is discussed below under testing.
- c. The reports on the other nine districts with 66% minority group schools indicate that in some instances TEA made recommendations to desegregate these schools but that the district did not indicate whether or not it would take action. The reports do not make findings as to whether the racial or ethnic imbalance of these schools has resulted from state or local board policy or actions. In addition, we have been informed that some of these districts have been involved in negotiations with the Department of Health, Education and Welfare pursuant to their duties under Title VI of the Civil Rights Act of 1964.

3. Teachers: Your letter indicates that 38 school districts have teacher problems. We have made the following observations of these districts:

- a. In 27 of these districts there is a disparity between the percentage of Mexican-American teachers employed by

the district in relation to the percentage of minority Mexican-American students in attendance. (See Exhibit B-1)

- b. In ten districts, while there is some disparity between the percentage of minority group students and minority group teachers, the number of minority group teachers is substantial. (See Exhibit B-2)
- c. In one district (Eagle Pass) the percentage of Mexican-American teachers in each school deviates substantially from the percentage of Mexican-American teachers in the system as a whole. (See Exhibit B-3)

4. Testing: Your letter indicates that 12 districts are "employing testing as a basis for student assignment, in apparent violation of the decision of... Lemon v. Bossier Parish School Board, 444 F.2d 1400 (5th Cir. 1971)." Our observations of these districts are as follows:

- a. In six of these districts students are assigned to schools designated as special education schools, resulting in schools with 66% or greater minority group student bodies.
- b. One school district (Eagle Pass) maintains an all Mexican-American migrant school for 74 students. Another district (Goliad) apparently has special classes for migrant children, but it is not clear whether these students are separated from other students.

- c. In four districts (El Campo, Gregory-Portland, Karnack, and Lorraine) we could find no evidence of assignment on the basis of testing in the TEA reports.

5. Transfers: TEA approved 33 students to transfer into Natalia ISD (9 Anglo and 24 M/A), and 71 students to transfer out of Natalia (63 Anglo students transferred to Devine ISD). The results of all transfers are as follows:

<u>Before Transfers</u>	<u>A</u>	<u>M/A</u>	<u>B</u>
Natalia	242(51.1%)	220(46.5%)	8(2.4%)
Devine	762(57.5%)	559(42.2%)	-
<u>After Transfers</u>			
Natalia	183(44%)	227(54%)	8(2%)
Devine	822(59%)	561(41%)	

Based on the foregoing analysis, Mr. Rich of this office is presently drafting a letter to TEA, informing them of our findings and of areas where the orders in this case require further action or investigation. A copy of this letter will be forwarded to you.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division

By:

BRIAN K. LANDSBERG
Chief, Education Section

cc: Mr. Theodore A. Miles
Office of General Counsel
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Honorable James C. McCoy
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<u>Districts and Adjoining Districts</u>	<u>A(%)</u>	<u>M/A(%)</u>	<u>B(%)</u>
Cotulla	306(25.3)	905(74.7)	-
Encinal	6(4.1)	142(95.9)	-
Carrizo Springs	493(24.4)	1501(74.2)	28(1.4)
United Con.	1255(61.5)	743(36.4)	30(1.5)
Dilley	166(20.9)	629(79.1)	-
Pearsall	486(22.8)	1631(76.6)	13(.6)
McMillen	122(45.4)	147(54.6)	-
Dilley	166(20.8)	629(79.2)	-
Crystal City	19(.9)	2049(98.7)	9(.4)
Batesville	206(7.5)	2542(92.2)	-
Pearsall	486(22.8)	1631(76.6)	13(.6)
Cotulla	306(25.3)	905(74.7)	-
Eagle Pass	544(10.3)	4711(89.6)	1(.0)
United Con.	1255(61.5)	743(36.4)	30(1.5)
Carrizo Springs	493(24.4)	1501(74.2)	28(1.4)
Crystal City	19(.9)	2049(98.7)	9(.4)
La Pryor	148(38.7)	234(61.3)	-
Brackett	169(28.9)	374(63.9)	39(6.7)
Hungerford	50(25)	20(10)	118(65)
East Bernard	521(74.3)	140(20.0)	40(5.7)
Boling	524(52.7)	272(27.3)	199(20.0)
Wharton	1438(47.5)	664(21.9)	925(30.6)
El Campo	2141(54.4)	962(24.4)	833(21.2)
Rice Consolidated	837(46.4)	428(23.7)	539(29.9)
Kendleton	3(.9)	71(22.4)	743(76.7)
Karnack	197(30)	-	453(70)
Marshall	3114(44.8)	13(.2)	3812(54.8)
Waskom	336(47.3)	2(.3)	372(52.4)
Jefferson	1182(66.7)	-	587(33.1)
Kendleton	4(1.4)	65(22.6)	219(76.0)
Lamar	3406(44.4)	3001(39.1)	1263(16.5)
Orchard	229(66.0)	85(24.5)	33(9.5)
Needville	925(69.4)	164(12.3)	244(18.3)
Boling	524(52.7)	272(27.3)	199(20.0)
East Bernard	521(74.3)	140(20.0)	40(5.7)
Hungerford	75(13.6)	72(13.0)	406(73.4)

<u>Districts and Adjoining Districts</u>	<u>A(%)</u>	<u>M/A(%)</u>	<u>B(%)</u>
Laneville	136(32.2)	15(3.8)	257(63)
Mt. Enterprise	231(64.9)	2(.6)	123(34.6)
Carlisle	232(75.1)	-	77(24.9)
Rusk	1085(72.2)	9(.6)	403(26.8)
Cushing	316(78.6)	-	86(21.4)
Mathis	387(16.6)	1895(81.5)	41(1.9)
Odem	298(27.8)	773(72.2)	-
Sinton	789(29.3)	1837(68.2)	66(2.5)
Calallen	1813(81.3)	408(18.3)	10(.4)
Orange Grove	291(39.5)	434(58.9)	12(1.6)
George West	483(51.1)	463(48.9)	-
Skidmore-Tynan	210(39.8)	299(56.6)	19(3.6)
Mission	680(14)	4026(86)	-
La Joya	53(2.6)	1971(97.4)	-
Alton	7(1.6)	437(98.4)	-
Sharyland	441(39.2)	682(60.6)	-
Hidalgo	19(2.7)	688(97.3)	-
New Home: No Statistics Available			
Odem	298(27.8)	773(77.2)	-
Mathis	387(16.6)	1895(81.3)	46(2.0)
Sinton	789(29.3)	1837(68.2)	66(2.5)
Taft	980(22.8)	1560(74.1)	66(3.1)
Tuloso Midway	768(44.5)	924(53.6)	31(1.8)
Calallen	1813(81.3)	408(18.3)	110(.4)
Pawnee	31(13.3)	202(86.7)	-
Pettus	416(62.7)	247(37.3)	-
Beeville	1860(41.3)	2462(54.7)	153(3.4)
Kenedy	577(43.3)	713(53.5)	40(3.0)
Three Rivers	391(54.5)	326(45.5)	-
George West	483(57.1)	463(48.9)	-

<u>Districts and Adjoining Districts</u>	<u>A(%)</u>	<u>M/A(%)</u>	<u>B(%)</u>
Pearsall	486(22.8)	1631(76.6)	13(.6)
Dilley	166(20.9)	629(79.1)	-
Crystal City	19(.9)	2049(98.7)	9(.4)
Batesville	206(7.5)	2542(92.2)	-
Cotulla	306(25.3)	905(74.7)	-
Charlotte	154(26.4)	429(73.6)	-
Devine	822(59.2)	561(40.4)	2(.1)
Hondo	765(36.9)	1284(61.5)	25(1.2)
D'Hanis	91(33.6)	180(66.4)	-
Poteet	325(26.8)	884(73.2)	-
Pleasanton	1017(48.7)	1026(49.2)	43(2.1)
Jourdanton	370(49.9)	368(49.2)	3(.4)
Charlotte	154(26.4)	429(73.6)	-
Lytle	280(47.7)	309(52.3)	-
Devine	183(43.7)	227(54.2)	8(1.9)
Premont	396(26.8)	884(73.2)	-
La Gloria	24(32.9)	49(67.1)	-
Ben Bolt	19(5.5)	325(94.5)	-
Kingsville	2611(39.9)	3670(56.1)	237(3.6)
Santa Gertrudis	3000(40.2)	4212(56.4)	237(3.2)
San Diego	18(1.7)	1638(98.9)	-
Benavides	376(20.9)	1426(79.1)	-
Ramirez	6(5.6)	101(94.4)	-
Robstown	472(8.7)	4820(89.2)	109(2.1)
Bishop	768(44.5)	924(53.6)	31(1.8)
Tuloso-Midway	1475(65.0)	789(34.8)	5(.2)
West Oso	18(.7)	1913(79.8)	594(23.5)
Driscoll	38(18.7)	165(81.3)	-
Calallen	1813(81.3)	408(18.3)	10(.4)
Bangvete	272(42.9)	362(57.1)	-
Royal	296(30.8)	94(5.8)	572(59.5)
Hemstead	468(40.8)	57(5.0)	615(53.6)
Waller	854(61.5)	34(2.4)	504(36.1)
Katy	1449(86.4)	38(2.3)	186(11.1)
Lamar	3406(44.4)	3001(39.1)	1263(16.5)
Bellville	916(65.6)	30(2.1)	446(31.9)
Sealy	828(73.5)	65(5.8)	233(20.7)

Districts and Adjoining Districts

	<u>A(%)</u>	<u>M/A(%)</u>	<u>B(%)</u>
Runge	141(33.4)	276(65.4)	5(1.2)
Kenedy	577(43.3)	713(53.5)	40(3.0)
Karnes City	700(50.9)	612(44.5)	-
Nordheim	84(44.9)	100(53.5)	3(1.6)
Goliad	511(40.2)	617(48.5)	144(11.3)
Pettus	416(62.7)	247(37.3)	-
Snook	159(28.5)	88(15.8)	311(55.5)
Caldwell	747(61.0)	162(13.2)	316(25.8)
Somerville	266(47.2)	95(16.8)	203(36.0)
A & M Cons.	2121(83.9)	84(3.3)	312(12.3)
Bryan	5533(59.3)	1301(14.0)	2472(26.5)
Navasota	943(42.7)	214(9.7)	1050(47.6)
Waelder	64(14.5)	186(42.2)	191(43.3)
Moulton	431(73.4)	28(4.8)	128(21.8)
Lockhart	1016(37.1)	1332(48.6)	392(14.3)
Cistern	32(84.2)	3(7.9)	3(7.9)
Flatonia	323(66.5)	94(19.3)	69(14.2)

EXHIBIT A

<u>Districts and Adjoining Districts</u>	<u>A(%)</u>	<u>M/A(%)</u>	<u>B(%)</u>
Austwell-Tivoli	110(25.5)	305(70.8)	16(3.7)
Refugio	693(51.4)	453(33.6)	203(15.0)
McFaddin	6(14.3)	36(86.6)	-
Aransas	1376(61.2)	809(36.0)	62(2.8)
Brooks	431(17)	2097(82.9)	3(0.1)
Kenedy	577(43.3)	713(53.5)	40(3.0)
La Gloria	24(32.9)	49(67.1)	-
Ramirez	6(5.6)	101(94.4)	-
Jim Hogg	131(9.9)	1194(90.1)	-
San Isidro	23(5.1)	430(94.6)	-
Brackett	169(29)	374(63)	39(7)
Uvalde	1415(36.3)	2468(63.4)	12(3)
Nueces Canyon	205(57.6)	149(41.9)	-
Carta Valley	1(16.7)	5(83.3)	-
Eagle Pass	4711(89.6)	4711(89.6)	-
San Felipe-Del Rio	4671(64.6)	4671(64.6)	173(2.4)
Burkeville	194(31.7)	-	418(68.3)
Newton	958(61.6)	1(.1)	596(38.3)
Brookland	99(50.3)	5(2.5)	93(47.2)
Jasper	1829(58.7)	-	1289(41.3)
Carrizo Springs	493(24)	1501(74)	28(2)
Asherton	4(.9)	446(99.1)	-
Crystal City	19(.9)	2049(98.7)	9(.4)
Eagle Pass	544(10.3)	4711(89.6)	1(.1)
United Cons.	1255(61.5)	743(36.4)	30(1.5)
Cotulla	306(25.3)	905(74.7)	-
Encinal	6(4.1)	142(95.9)	-
Charlotte	149(25)	446(74.9)	-
Jourdanton	370(49.9)	368(49.2)	3(.4)
Poteet	347(27.6)	910(72.4)	-
McMullen	122(45.6)	147(54.6)	-
Pearsall	486(22.8)	1631(76.6)	13(.6)
Devine	822(59.2)	561(40.4)	2(.1)
Natalia	183(43.7)	227(54.2)	8(1.9)
Cotulla	306(25.3)	905(74.7)	-

EXHIBIT B-1

<u>District</u>	<u>A</u>	<u>M/A</u>	<u>B</u>
Austwell-Tivoli			
Students	110 (25.5)	305 (70.8)	16 (3.7)
Teachers	30	2	-
Brownfield			
Students	1831 (57.9)	1123(34.4)	211(6.7)
Teachers	161	1	4
Brackett			
Students	169 (29)	374 (63)	39 (7)
Teachers	31	3	1
Bloomington			
Students	391 (38.3)	539 (52.6)	94 (9)
Teachers	47	5	2
Calhoun			
Students	3034 (57)	2058 (38.5)	239 (4.5)
Teachers	279	6	8
Carrizo Springs			
Students	493 (24)	1501 (74)	28 (2)
Teachers	112	8	-
Charlotte			
Students	149 (25)	446 (74.9)	-
Teachers	32	-	-
Cotulla			
Students	304 (25)	910 (74.9)	-
Teachers	50	8	-
Dilley			
Students	166 (20.8)	629 (79.2)	-
Teachers	46	3	-

<u>District</u>		<u>A</u>	<u>M/A</u>	<u>B</u>
La Pryor				
	Students	143 (34)	247 (66)	-
	Teachers	19	3	
Lamar				
	Students	3394 (44.6)	2973 (39.1)	1250 (16.3)
	Teachers	320	8	29
Levelland				
	Students	2364 (68.5)	875 (25.5)	221 (6)
	Teachers	184	4	5
Mathis				
	Students	387 (16.6)	1895 (81.5)	41 (1.9)
	Teachers	103	9	-
New Home				
	Students	119	196	38
	Teachers	20	-	-
O'Donnell				
	Students	247 (36.5)	403 (59.5)	27 (4)
	Teachers	35	-	-
Odem				
	Students	298 (27.8)	773 (72.2)	-
	Teachers	53	6	-
Pawnee				
	Students	31 (13.3)	202 (86.7)	-
	Teachers	15	1	-
Pearsall				
	Students	486 (22.8)	1631 (76.6)	13 (.6)
	Teachers	92	11	-
Poteet				
	Students	325 (26.8)	884 (73.2)	-
	Teachers	65	4	-
Ralls				
	Students	392 (39.5)	540 (53.5)	69 (7)
	Teachers	60	1	-

<u>District</u>	<u>A</u>	<u>M/A</u>	<u>B</u>
Rocksprings			
Students	184 (38.7)	291 (61.3)	-
Teachers	29	-	-
Ropes			
Students	240 (45.6)	274 (51.4)	17 (3)
Teachers	28	-	-
Runge			
Students	141 (33.4)	276 (65.4)	5 (1.2)
Teachers	23	-	1
Sabinal			
Students	394 (63.5)	225 (36.5)	-
Teachers	33	-	-
Sinton			
Students	789 (27.5)	1837 (70)	66 (2.5)
Teachers	124	9	1
Skidmore-Tynan			
Students	212 (40.2)	297 (56.2)	19 (3.6)
Teachers	24	-	-
Sweetwater			
Students	2163 (61.1)	650 (30.4)	175 (8.5)
Teachers	150	2	9
Waelder			
Students	64 (14.5)	186 (42.2)	191 (43.3)
Teachers	19	1	4

EXHIBIT B-2

<u>District</u>	<u>A</u>	<u>M/A</u>	<u>B</u>
Brooks			
Students	431 (17)	2097 (82.9)	3 (0.1)
Teachers	74	57	1
Laneville			
Students	136 (33.3)	15 (3.7)	257 (63)
Teachers	13	-	8
Mission			
Students	680 (14)	4026 (86)	-
Teachers	117	103	-
Nacogdoches			
Students	3064 (65.7)	-	1591 (34.3)
Teachers	189	-	49
Premont			
Students	396 (31.5)	864 (68.7)	-
Teachers	59	23	-
Royal			
Students	296 (30.8)	94 (9.8)	572 (59.5)
Teachers	53	-	18
Sharyland			
Students	441 (39.2)	682 (60.8)	-
Teachers	34	13	-
Snook			
Students	153 (29.9)	85 (16.5)	276 (53.6)
Teachers	22	-	8
Snyder			
Students	2852 (74.9)	763 (19.9)	199 (5.2)
Teachers	271	10	17
Vernon			
Students	2016 (73.8)	273 (10)	432 (15.8)
Teachers	126	7	-

Abilene: Total teachers in system not reported

EXHIBIT B-3

Eagle Pass I.S.D.

<u>School</u>	<u>Students</u>			<u>Faculty</u>		
	<u>A</u>	<u>B</u>	<u>M/A</u>	<u>A</u>	<u>B</u>	<u>M/A</u>
Eagle Pass High	197	-	1265	38	1	32
Eagle Pass Junior High	94	-	681	16	-	14
Austin Elem.	58	-	558	24	1	2
Graves Elem.	54	-	206	8	2	1
Kennedy Hall Elem.	34	-	359	8	-	4
Lee Elem.	-	-	513	14	-	14
Webster Elem.	31	1	427	15	-	6
San Luis Elem.	12	-	562	17	1	17
Sam Houston Elem.	-	-	95	4	-	1
Quernado Elem.	72	-	120	8	-	-