

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BENJAMIN D. FRANKLIN, et al., )  
)  
Plaintiffs, )  
)  
)  
)  
NATIONAL EDUCATION )  
ASSOCIATION, INC., )  
)  
Plaintiff – Intervenor, )  
)  
UNITED STATES OF AMERICA, )  
)  
Amicus Curiae. )  
vs. )  
)  
BARBOUR COUNTY BOARD OF )  
EDUCATION, et al., )  
)  
Defendants. )  
)  
)

CIVIL ACTION NO.  
2:66-cv-2458-WHA

**ORDER**

Upon consideration of the Defendants’ petition requesting that the court declare the Barbour County School System unitary, filed on February 19, 2013, it is hereby

ORDERED as follows:

1. That a final hearing to determine whether Barbour County School System should be declared unitary in all respects be and is hereby set on April 17, 2013, at 10:00 a.m. in the United States Courthouse, One Church Street, Montgomery, Alabama.

2. That the notice of the hearing attached to this Order shall be published for three (3) consecutive weeks in the main part of *Clayton Record* beginning not later than Wednesday, March 13, 2013. The defendant is responsible for arranging for this publication, and the

defendant is DIRECTED to file a proof of publication with the court not later than Friday, March 29, 2013.

3. That the notice of the hearing and the form for written objections and comments attached to this order shall be given to the parent(s) or guardian(s) of each student enrolled in the Barbour County School System not later than Monday, March 11, 2013, and that a copy of the notice prominently be posted at every school and school facility not later than Monday, March 11, 2013. The notice and form also shall be posted on the Board's website, <http://www.barbourschools.org>, starting no later than Monday, March 11, 2013, and remaining on the website throughout the objection and comment period. The defendant is DIRECTED to file a Notice of Compliance with the court not later than Friday, March 29, 2013.

4. That the Board shall have available at its offices during normal business hours (1) for distribution the objection and comment form attached to this Order and (2) for inspection by the public the documents referred to in the notice attached to this Order.

5. The clerk is DIRECTED to send by fax or email on Friday, April 8, 2013, copies of any objections which have been received by the Clerk of the Court as of that date to Ernestine Sapp, attorney for the private plaintiffs; Melissa J. Michaud, attorney for the United States; and to Dorman Walker, attorney for the defendant.

DONE this the 6th day of March , 2013.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE

**NOTICE OF HEARING OF PETITION FOR DECLARATION  
OF UNITARY STATUS PURSUANT TO CONSENT DECREE**

The Barbour County Board of Education hereby gives notice of a hearing which could result in the termination of the school desegregation case originally known as, *Benjamin D. Franklin, et al. v. United States of America* (Barbour County Board of Education), Civil Action No. 2:66-cv-2458-WHA, United States District Court, Middle District of Alabama, Northern Division. A Consent Decree was entered, establishing a process which, if successful, would result in a declaration that the Barbour County Board of Education had successfully completed the desegregation of its schools and that court supervision of the school system would end.

The Barbour County Board of Education filed a petition on February 19, 2013, requesting the Court to dismiss the case pursuant to the Consent Decree which would terminate the order and declare that it has achieved unitary status and that court supervision is no longer necessary. Copies of documents about this process are available for review at the Office of the Barbour County Board of Education, 15 S. Armory Street, Clayton, Alabama 36016, and may be viewed between 8:00 a.m. and 4:00 p.m. Monday through Friday. These documents include the Consent Decree and the Annual Reports filed by the Board.

Senior United States District Judge W. Harold Albritton has scheduled a hearing for April 17, 2013, at 10:00 a.m in the United States Courthouse, 1 Church Street, Montgomery, Alabama to determine whether or not the petition by the Board of Education should be granted. The hearing is open to the public and the court invites objections and comments from any interested parties. Written objections and comment should be made on forms which are available at the Office of the Barbour County Board of Education and at all Barbour County System Schools and at the Board's website, <http://www.barbourschools.org>. **Written comments and objections must be submitted to the court at the address indicated on the form and must be postmarked no later than April 3, 2013. No person will be heard orally at the hearing unless that person has filed such a written objection or comment by that time.**

If you have any questions, you may contact the Barbour County School District lawyer Dorman Walker at 334/269-3138; private plaintiffs' counsel Ernestine S. Sapp at 334/727-4830; or counsel for the United States Melissa J. Michaud at 202/514-4092.

*A copy of this notice is to be provided to each parent or guardian of a student enrolled in the Barbour County School System and posted at all schools operated by the System and at the Board of Education's Central Office.*

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OBJECTION TO/COMMENT ABOUT DECLARATION OF UNITARY STATUS  
AND POSSIBLE TERMINATION OF BARBOUR COUNTY BOARD  
OF EDUCATION'S DESEGREGATION CASE

1. Please print:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City State Zip Code  
Telephone No. ( ) \_\_\_\_\_

2. Are you a Student? \_\_\_\_\_  
Parent of a Student? \_\_\_\_\_  
Concerned Citizen? \_\_\_\_\_

3. Please state your objections to/comments about whether the system should be declared unitary and full control of the system returned by the court to the Board of Education:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You may attach additional sheets; please **print** your name on each sheet.

\_\_\_\_\_  
Signature

Mail to:  
Office of the Clerk  
U.S. District Court, Middle District of Alabama  
Post Office Box 711  
Montgomery, AL 36101

FORMS MUST BE POSTMARKED NO LATER THAN April 3, 2013