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**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

COURT - 7 P 3:33
CLERK US DISTRICT COURT
NORFOLK, VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 2:68cv7111

**SCHOOL BOARD OF FRANKLIN
CITY, VIRGINIA, et al.,**

Defendants.

**JOINT MOTION AND MEMORANDUM OF SUPPORT
FOR APPROVAL OF AGREED ORDER OF DISMISSAL**

The United States of America, Plaintiff in this action, and Defendants, School Board of Franklin City and Division Superintendent of Schools of Franklin City, come before the Court seeking approval of an Agreed Order of Dismissal and would respectfully show the Court the following:

1. In March 2007, the United States initiated a review of the Board's compliance with the orders in this case, with standards set by the Supreme Court, and with applicable federal law.

2. The United States reviewed the files in this case and evaluated the Franklin City School District's data in addition to information available on the District's and State Department of Education's websites as well as demographic information.

3. The Plaintiff United States of America and Defendants School Board of Franklin City and Division Superintendent of Schools of Franklin City agree that, based on the factual

record in this case and consistent with the standards set forth by the Supreme Court in *Missouri v. Jenkins*, 515 U.S. 70 (1995); *Freeman v. Pitts*, 503 U.S. 467 (1992); and *Bd. of Educ. of Oklahoma City Pub. Sch. v. Dowell*, 498 U.S. 237 (1991); see also *Belk v. Charlotte Mecklenburg Bd. of Educ.*, 269 F.3d 305 (4th Cir. 2001), the Board and the Superintendent have satisfactorily and in good faith complied with the remedial provisions of the October 2, 1970 Order, as well as applicable federal law, and are entitled to a declaration of unitary status and dismissal of this case.


WHEREFORE, for the reasons stated above, the Plaintiff United States and Defendants School Board of Franklin City and Division Superintendent of Schools of Franklin City respectfully request that the Court approve the attached proposed Agreed Order of Dismissal.

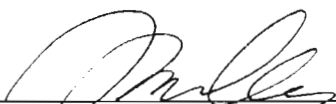
Respectfully submitted,

FOR THE UNITED STATES:

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AND THE DIVISION SUPERINTENDENT OF SCHOOLS
OF FRANKLIN CITY:



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