

Mr C M Bassinger

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SAMUEL EUGENE CORBIN,	:	
etc., et al.,	:	
	:	
Plaintiffs	:	
	:	
v.	:	Civil Action No. 2737
	:	
COUNTY SCHOOL BOARD OF	:	
LOUDOUN COUNTY, VIRGINIA,	:	
et al.,	:	
	:	
Defendants	:	

MEMORANDUM OPINION AND ORDER

The infant Negro plaintiffs, through their parents and next friend, for themselves and others similarly situated, bring this suit against the County School Board of Loudoun County, Virginia, C. M. Bassinger, its Division Superintendent, and E. J. Oglesby, Alfred L. Kingo and E. T. Justice, individually and constituting the Pupil Placement Board of the Commonwealth of Virginia, seeking admission to Loudoun County High School and a temporary and permanent injunction restraining and enjoining the defendants from any and all action that regulates or affects, on the basis of race or color, the initial assignment, the placement, the transfer, the admission, the enrollment or the education of any children to or in any public school.

The facts in this case, as adduced at the hearing, are as follows: The assignment and placement of pupils in the public schools of Loudoun County,

Virginia, and the fixing of attendance districts therefor, is vested in the Pupil Placement Board pursuant to Section 22-231.1, et seq., of the Code of Virginia. The infant Negro plaintiffs made timely application to the Pupil Placement Board for admission to the Loudoun County High School for the school year 1962-63. These applications were denied June 21, 1962, with the notation "Lack of academic qualifications," and the children were assigned to the Douglas School (Negro). None of the parents or guardians of these children requested a hearing or review by the Pupil Placement Board as provided by the Pupil Placement Act. Instead, they elected to file the instant suit in this Court, contending the Virginia statutes pertaining to the enrollment and placement of pupils does not provide an adequate remedy for the relief they seek.

Prior to and at the time of the institution of this suit, Loudoun County maintained what is commonly known as a dual (colored and white) school system. Students enrolled in either system there remained until completion of their public school education, except on application for a transfer. In effecting such transfer, different criteria were considered in the case of Negro children than in the case of white children similarly situated.

The continuation of such a school system and the assignment and/or transfer of pupils are not in accord with the law of the land as recently enunciated by the Court of Appeals in the Richmond, Roanoke and Caswell County cases.

In accordance with these recent decisions, the Pupil Placement Board abolished the then existing dual school system in Loudoun County, and announced in open Court during the hearing of this case that, effective with the 1963-64 school year, all children in Loudoun County would be assigned to the school of their choice on an indiscriminate basis, without regard to race, color or creed, limited only by the capacity of the physical school plant. To be so assigned the parents or guardians of said children need only comply with the rules of procedure established for the assignment of pupils seeking a specified school in Loudoun County.

The procedure thus referred to was submitted to this Court for consideration and approval. Facially, the proposed plan meets all constitutional requirements, and the Pupil Placement Board, through Mr. Alfred L. Wingo, one of the members thereof, and A. B. Scott, Esquire, its counsel, assured the Court the plan will be administered without regard to race, color or creed. No evidence was offered to the contrary.

The proposed procedure for the assignment of pupils in the public schools of Loudoun County, the original of which is attached hereto and made a part hereof, is herewith APPROVED, and the members of the Pupil Placement Board and their successors in office are herewith DIRECTED to make all assignments to the public schools of Loudoun County in strict accordance therewith until the further order of this Court; and the said defendants, and each of them, and their

successors in office, their agents and employees, are enjoined and restrained from any and all other action that regulates or affects, on the basis of race or color, the initial assignment, the placement, the transfer, the admission, the enrollment or the education of any children to and in any public school of Loudoun County, Virginia.

It is further ORDERED that the defendants, and each of them, their successors in office, and their agents and employees, are herewith enjoined and restrained from denying the infant plaintiffs, or either of them, solely on account of race or color, the right to be enrolled in, to attend and to be educated in, the public schools to which they, respectively, have sought admission, provided only they make timely application as provided for in the paragraph above.

In order that all interested parties may be fully acquainted with the Procedure to be followed by all persons seeking admission to a specified public school in Loudoun County, Virginia, effective with the term beginning in the Fall of 1963, the Pupil Placement Board, and/or the County School Board of Loudoun County, is herewith DIRECTED to publish said Procedure in a publication having general circulation in Loudoun County, at least once a week for two successive weeks prior to June 1, 1963, and to publicize the same by such other means as it deems proper.

The effective date for making application for specific assignments for the school year 1963-64 is herewith extended to June 15, 1963. Thereafter the

effective date shall be as announced publicly by the Division Superintendent each year but in any event prior to June 1.

It is further ORDERED that this Court retain jurisdiction of this cause for such other proceedings and the entry of such further orders as are necessary and proper.

It is further ORDERED that the defendants pay the costs incident to the prosecution of this case.

The Clerk is directed to furnish and the United States Marshal is directed to forthwith serve a certified copy of this order upon each of the named defendants.

Alexandria, Virginia
May 16, 1969
/s/ OREN R. LEWIS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SAMUEL EUGENE CORBIN, etc., et al,

C. A. No. 2737

v.

COUNTY SCHOOL BOARD OF LOUDOUN
COUNTY, VIRGINIA, et al

PROCEDURE

Pursuant to the direction of the Court the Pupil

Placement Board hereby submits the following:

PROCEDURE TO BE FOLLOWED ON BEHALF OF
PUPILS SEEKING A PARTICULAR SPECIFIED
SCHOOL IN LOUDOUN COUNTY, VIRGINIA

The parents or guardian of every child who seek the admission of such child for the first time to a particular specified school in Loudoun County, Virginia, and the parents or guardian of any pupil already enrolled in the public schools of such county who desire the transfer of such pupil to some other particular specified school in the said county, shall apply for such admission or such transfer, as the case may be, to the Division Superintendent of Schools of such county, or to the Principal of the particular specified school on the date or dates announced publicly by the Division Superintendent each year but in any event prior to June 1.

Such application shall be made individually on the prescribed form in writing and shall state thereon or in a separate writing attached thereto the reasons for the particular preference.

The prescribed form shall be obtained by a parent or guardian from the office of the Division Superintendent or from the office of the Principal of the particular specified school.

There shall be no exception to these rules other than in the case of the parents or guardian of children who move from the outside into Loudoun County, Virginia, between June 1, and the end of the then ensuing school year, in which case those who desire enrollment in a particular specified school shall make such application only to the Division Superintendent within 15 days after moving into the county. Those who make no such application will be enrolled in the school or schools serving the attendance area into which they have moved.

Those already residing in the county who move during the school year from one school attendance area in the county to another school attendance area in the county if desirous of transfer to a particular specified school must make application in the aforesaid manner prior to making the move or immediately thereafter. Those who make no such application will be transferred to the school or schools serving the attendance area into which they have moved.

All applications shall be treated alike on their respective individual merits, and there shall be no discrimination based upon race, color, or creed.


Definite action on all such applications not involving a move during the school year shall be communicated to the parents or guardian on or before the 15th day of July next following the

submission of the application. In cases involving a move during the school year, within six (6) weeks after the filing of the application.

In all cases where initial enrollment in a particular specified school or transfer to a particular specified school is not desired or requested, applications will be acted on and processed in the usual and customary way prevailing in the past.


PUPIL PLACEMENT BOARD OF THE
COMMONWEALTH OF VIRGINIA

BY COUNSEL


A. B. SCOTT, of
Peyton, Beverley, Scott & Randolph
1200 Travelers Building
Richmond 19, Virginia

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the plaintiffs by mailing such copy by prepaid first-class mail to their counsel of record, namely: Tucker & Marsh, 214 East Clay Street, Richmond 19, Virginia, and Otto L. Tucker, 901 Princess Street, Alexandria, Virginia; and I do certify that a like copy was mailed in similar manner to Frank L. Ball, P.O. Box 727, Courthouse Station, Arlington 16, Virginia, and Carlton Penn, Leesburg, Virginia, counsel for the other defendants, all this 2nd day of May, 1963.


A. B. SCOTT, Counsel for
PUPIL PLACEMENT BOARD