

9/21/96

Implementation of Remedial Decree

Board of Trustees' 3/27/91 Decision

Ayers v. Musgrove

8/21/96 court appointed expert witness who has initiated

IMPLEMENTATION OF REMEDIAL DECREE

Action: New standards implemented beginning summer 1996, status reports made to court 10/3/96 and 2/4/98 and in response to monitor inquiry; 2/21/97 monitor issued report finding the summer developmental program compliance of administrative standards to be successful and recommending court authorize its continuation; 2/21/00 monitor issued report concluding enrollment data reflects HWC's further desegregating but HWC's are not and reflecting African-American participation in university system in line with proportionate representation in high school graduating population.

3. **Programs:** Board to implement new programs at JSU in allied health, social work (Ph.D.), urban planning (master's Ph.D.) and business (DBA) on accreditation of business program.

Action: JSU business program accredited and all programs implemented - 8/97 Ph.D. social work, 8/98 Ph.D. business, M.A. urban planning, M.S. communication disorders, B.S. health care administration, 8/99 Ph.D. urban planning, 10/21/99 court found Board had fully complied with the paragraph of decree.

4. **Programs:** Board to conduct longitudinal study of JSU, including faculty, educational outcomes of existing engineering, school law school, and 3-year pharmacy program.

MAY 22, 2000

5/22/00

Implementation of Remedial Decree

District Court's 3/7/95 Decree:

1. Provision: Court to appoint three-person monitoring committee to review Board's submissions and make recommendations to court.

Action: 8/21/98 court appointed single monitor who has initiated investigations into all aspects of decree.
2. Provision: First-time freshmen admissions standards as proposed by Board to be implemented effective 1995-96.

Action: New standards implemented beginning summer 1996; status reports made to court 10/5/96 and 2/4/98 and in response to monitor inquiries; 2/21/00 monitor issued report finding the summer developmental program component of admissions standards to be successful and recommending court authorize its continuation; 2/21/00 monitor issued report concluding enrollment data reflects HWUs further desegregating but HBUs are not and reflecting African-American participation in university system in line with proportionate representation in high school graduating population.
3. Provision: Board to implement new programs at JSU in allied health, social work (Ph.D.), urban planning (masters/Ph.D.) and business (DBA) on accreditation of business program.

Action: JSU business program accredited and all programs implemented – 8/97 Ph.D. social work; 8/98 Ph.D. business, M.A. urban planning, M.S. communicative disorders, B.S. health care administration; 8/99 Ph.D. urban planning; 10/21/99 court found Board had fully complied with this paragraph of decree.
4. Provision: Board to conduct institutional study of JSU, including feasibility/educational soundness of establishing engineering school, law school, and five-year pharmacy program.

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Action: Board submitted study to court and parties on 6/30/98; Board recommended engineering school but declined to recommend law school or pharmacy school; while declined to recommend pharmacy school, Board recommended creation of School of Allied Health Sciences, including creation of masters of public health program, and recommended interinstitutional program involving JSU, UMMC and UM to increase number of African-Americans in pharmacy Ph.D. program; Board identified JSU strengths (central location, faculty, accreditation, availability of community colleges) and JSU weaknesses (depressed urban location, disproportionate presence of marginal students, failure to tap community colleges); Board declined to recommend HWU program elimination or transfer; 10/21/99 court approved engineering school and approved no program elimination or transfer by HWUs except directed 5/00 evaluation of masters of public health program at USM for possible elimination; 2/21/00 monitor issued report recommending Board study student demand for part-time law school and feasibility of public-private collaborative venture with MC law school; Board to submit response disagreeing with monitor recommendation to pursue part-time law school collaborative venture; Board submitted to monitor a proposed interinstitutional pharmacy program involving JSU; 5/4/00 monitor issued report recommending court approval of Board's recommended UM-JSU interinstitutional pharmacy program but included recommendation for guaranteed admission to UM school of pharmacy for successful program participants who pass pharmacy college admissions test.

5. Provision: JSU to enter articulation agreements with surrounding community colleges; Board to assure JSU control over Universities Center (UC) facility.

Action: JSU has entered articulation agreements with Copley-Lincoln, Hinds and Holmes Community Colleges; as to UC, Board took position that JSU is, and absent compelling circumstances will remain, exclusive university provider of program offerings at

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UC (other university offerings in Jackson area: MSU – fifth year architecture and graduate engineering for ComPEET program; UM – graduate engineering, pharmacy doctorate, higher education administration doctorate; distance learning; non-academic programs); 2/21/00 monitor issued report recommending JSU control over UC should mean facility only, other universities be required to use facility, evaluation of distance learning and joint UM/JSU higher education administration Ph.D., and termination of HWU graduate engineering when JSU ready to offer; 5/17/00 Board responded largely agreeing with monitor findings but disagreeing with recommendation that universities other than JSU be required to use facility and explaining proper evaluative perspective for distance learning.

6. Provision: Board to obtain from State up to \$15 million earmarked to fund property acquisition, campus entrances, campus security and grounds enhancement.

Action: Bond legislation enacted establishing “JSU Main Campus Improvement Fund” in amount not to exceed \$15 million; 3/20/97 Board approved projects totaling \$9.9 million for land purchase, new entrances/site improvements, security gate house and safety/security measures; 10/21/99 court found Board had fully complied with this paragraph of decree; 5/00 JSU submitted requests to IHL for expenditure of remaining \$5.1 million which are pending for Board consideration.

7. Provision: State to provide special funds of \$5 million for JSU (and \$5 million for ASU, ¶ 9 below) for placement in endowment trust with income to be used for continuing educational enhancement and racial diversity, including recruitment of white students and scholarships for white applicants.

Action: Initially, in lieu of creation of principal of trust, State appropriated \$300,000 each to JSU, ASU and MVSU to be expended for endowment purposes; thereafter, 1997 Legislature created *Ayers* Endowment Trust in total amount of \$15 million,

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income from which is to be appropriated equally for benefit of JSU, ASU and MVSU; 3/24/00 monitor issued report criticizing lack of institutional accountability and Board oversight of HBU use of such funds and recommending court-established procedures and strict judicial oversight; 3/24/00 court agreed and directed establishment of such procedures; 4/28/00 Board submitted proposed endowment trust guidelines and procedures; court action on guidelines expected 5/00.

8. Provision: State to provide special funds for Small Farm Development Center at ASU for research and extension to match federal funds so appropriated up to aggregate of \$4 million each year.

Action: Federal government has not provided funds earmarked as such for a Small Farm Development Center at ASU; nevertheless, from FY 1997 forward, ASU's agricultural unit has received at least \$4 million in state funding, which amounts exceed the State's matching obligation.

9. Provision: State to provide special funds of \$5 million for ASU for placement in endowment trust to be used for continuing educational enhancement and racial diversity, including recruitment of white students and scholarships for white applicants.

Action: Implemented; see ¶ 7 above.

10. Provision: Board to establish and State to fund MBA program at ASU's Natchez center, including related capital improvement when Board determines need thereof.

Action: Board approved MBA program 10/95; initial student enrollment fall 1997; new building to house MBA program in Natchez top Board priority in FY 2001 capital request of Legislature; MBA program building funded by 2000 Legislature.

11. Provision: Board to submit report addressing practicability of assuming control over facilities maintenance monies now controlled by

each of eight universities.

Action: Board submitted study to court and parties on 6/30/98; Board recommended policy requiring universities to expend monies earmarked for facilities operation and maintenance for such purposes; implementation of policy falls into three broad categories: (1) development of facilities maintenance plan; (2) evaluation of success of past year's maintenance program; and (3) Board audit of O&M funds to determine proper expenditure; 10/1/99 court granted Board request to proceed with facilities maintenance plan review process, including formal Board approval of finalized facilities maintenance plans for each university; 2/21/00 monitor issued report recommending still greater assumption of Board control over facilities maintenance monies.

12. Provision: Board to study alternatives to DSU/MVSU consolidation proposal to further desegregation of higher education in Mississippi Delta; if Board concludes consolidation remains recommended course of action, Board must substantiate conclusion.

Action: Board submitted study to court and parties on 6/30/98; among other things, study formalized prior Board announcement that no longer pursuing institutional consolidation, found no unnecessary program duplication, declined to recommend any program consolidation or transfer, targeted programs for enhancement, affirmed MVSU endowment trust to promote diversity, emphasized Greenwood campus, recommended joint MVSU/DSU teacher institute and directed completion of MVSU academic program study by 12/31/98; MVSU/DSU teacher institute has been established; MVSU consultant program reviews completed and awaiting Board analysis; 3/24/00 court order observed court has yet to receive report on new academic programs for MVSU.

13. Provision: Board to submit graduate catalogs of universities for monitor review of admissions policies.

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Action: Graduate catalogs submitted; monitor pursuing clarification for several specific graduate programs.

14. Provision: Board to study feasibility of establishing system-wide coordination of community colleges in areas of admissions standards and articulation procedures.

Action: Board representatives met with representatives of community colleges to address open admissions policies and practices of community colleges, as well as scope of remedial programs offered by community colleges; monitor investigated community colleges' actions in light of consultations with Board; 7/28/99 court found Board has fully complied with this paragraph of decree.

15. Provision: Board to have control over, and responsibility and accountability for, use and expenditure of all funds provided to comply with decree; State to provide funding for measures ordered by decree.

Action: Substantial funding has been obtained (see attached exhibit 1); funding obtained consistent with Board's understanding of decree; various reports made to court in 1998 and 1999 resulted in court approval of measures taken by Board; on 3/24/00, however, court entered order directing the Board, before it requests any money from the Legislature in name of *Ayers* decree, to work with monitor and submit to court proposed monies to be requested for prior judicial review.

**Court of Appeals' 4/23/97 Additions
to District Court Decree:**

1. Provision: District court to review Board elimination of remedial courses previously offered at universities and direct reinstatement if appropriate.

Action: 8/2/99 district court order recognizing elimination of

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- developmental reading and of lower level developmental English and math courses but continued university offering of upper level developmental English and math courses, and authorizing continued offering of such upper level developmental courses and reinstatement of developmental reading without leave of court. 2/17/00 Board approved reinstatement of developmental reading for fall 2000.
2. Provision: District court to determine practicability and educational soundness of reforming use of ACT cutoff scores as criterion for award of scholarships at HWUs.
- Action: Monitor has requested position statements from parties; Board maintains policies should not be reformed; monitor has not issued report; 4/14/99 court issued order giving notice that hearing would be set on issue of whether use of ACT cutoff scores should be continued in the awarding of scholarships at the HWUs; to date, no hearing has been scheduled.
3. Provision: District court to clarify status of MVSU/DSU merger proposal, and if merger not to be pursued, vacate ¶ 12 of decree and incorporate in decree provision requiring Board to study and report on new academic programs to increase other-race presence at MVSU and on unnecessary program duplication between MVSU and DSU.
- Action: 6/4/98 district court order announcing that court no longer considering merger of MVSU and DSU since Board announced consolidation not now deemed practical by the Board; order directed Board to study programs that can be implemented at MVSU which will attract other-race students and so advise court within reasonable time; see ¶ 12 above concerning 6/30/98 MVSU study which includes provisions concerning new academic programs and program duplication; Board report advises court that no unnecessary program duplication exists but identification of new programs to increase other-race presence is still under review.

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4. Provision: District court to direct Board to study and report on new academic and land grant programs that have reasonable chance of increasing other-race presence at ASU.

Action: While no district court order specifically so directing, at Board's direction ASU formed study committee, consultants employed to explore educational "markets," ASU submitted institutional report to Board and such ASU submission presently under Board review.

5. Provision: District court should determine status of current efforts to achieve accreditation of existing JSU business programs and order relief, if necessary.

Action: JSU business programs accredited, and district court so recognized in 6/4/98 order.

6. Provision: District court to review equipment funding for cause and segregative effect of disparities among universities and, if necessary, order implementation of appropriate relief.

Action: Monitor has requested submissions from parties and otherwise made data inquiries of Board; Board position that no relief appropriate because historically, equipment has been funded under either general formula funding or in conjunction with capital improvements and neither formula funding nor capital improvement funding policies were found to be traceable to *de jure* segregation; 4/14/99 court issued order giving notice that hearing would be set to determine why disparities in equipment inventories and what degrees of institutional autonomy, if any, should be relinquished to Board control to more equitably bring parity; to date, no hearing has been scheduled.

7. Provision: District court's continuing jurisdiction encompasses evaluation of effectiveness of spring screening and summer remedial program as component of new admissions standards; if district court ultimately concludes program unable to any significant degree to achieve objectives, district court should, if possible,

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identify and implement another practicable and educationally sound method for achieving objectives.

Action: 2/21/00 monitor issued reports on enrollment analyses from 1993 -1998 and on the effectiveness of the summer program; see district court decree ¶ 2 above indicating monitor's favorable findings; 3/23/00 district court set hearing on 4/17/00 to assess the effect of the new admissions standards put into effect in 1996 and whether the standards should be continued as previously ordered.

Securement of continued adequate funding for remedial measures in place

Articulation of rationale for 4-year funding and submission of justification to court to obtain judicial authorization to extend FY 2001 4-year appropriation and to submit FY 2002 4-year funding request to Legislature.

Response to monitor report recommending investigation of part-time law school at JSU.

Most Significant Matters Pending
for Prompt Board Action:

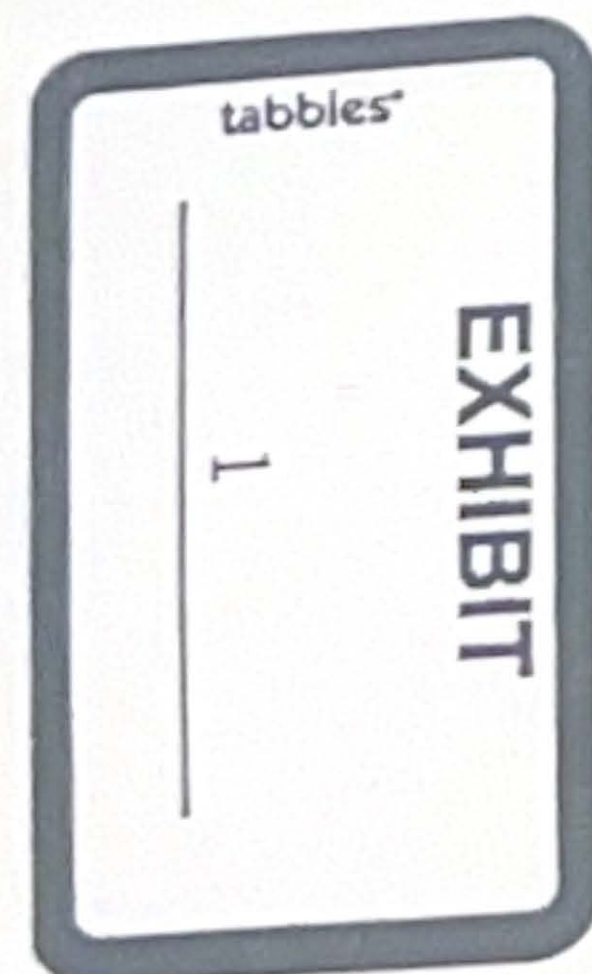
1. Report on MVSU academic program study, including explanation of position on enhancement of existing programs versus implementation of new academic programs to increase other-race presence.
2. Report on study of new academic programs and land grant programs to increase other-race presence at ASU.
3. Securement of continued adequate funding for remedial measures in place.
4. Articulation of rationale for *Ayers* funding and submission of justification to court to obtain judicial authorization to expend FY 2001 *Ayers* appropriation and to submit FY 2002 *Ayers* funding request to Legislature.
5. Response to monitor report recommending investigation of part-time law school at JSU.

SUMMARY OF AYERS FUNDING FY 1996 - 2001 Appropriations

	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	Total
System Administration Implementation	1,260,000	*	*	*	350,000	100,000	1,710,000
ASU Interest on Endowment Ayers Related Programs		300,000	300,000	300,000	**	**	900,000
		492,500	200,000	200,000	444,484	1,775,000	3,111,984
		792,500	500,000	500,000	444,484	1,775,000	4,011,984
DSU Ayers Related Programs					77,000		77,000
JSU Interest on Endowment Ayers Related Programs		300,000	300,000	300,000	**	**	900,000
		1,507,500	600,000	2,100,000	2,727,462	3,550,000	10,484,962
		1,807,500	900,000	2,400,000	2,727,462	3,550,000	11,384,962
MVSU Interest on Endowment Ayers Related Programs		300,000	300,000	300,000	**	**	900,000
				400,000	1,173,962	1,775,000	3,348,962
				700,000	1,173,962	1,775,000	4,248,962
		300,000	300,000				
Total Appropriations	1,260,000	2,900,000	1,700,000	3,600,000	4,772,908	7,200,000	21,432,908
Other Funding Provided:							
ASU Establishment of Endowment Trust Natchez Campus MBA Expansion			5,000,000		100,000	9,500,000	5,000,000
							9,600,000
JSU Property Acquisition		15,000,000					15,000,000
Establishment of Endowment Trust			5,000,000		200,000		5,000,000
Pre-planning School of Engineering							200,000
MVSU Establishment of Endowment Trust			5,000,000				5,000,000
Total Funding	1,260,000	17,900,000	16,700,000	3,600,000	5,072,908	16,700,000	61,232,908

* Funding from the initial FY 1996 appropriation was re-appropriated for use in FY 1997 - FY 1999. FY 2001 System Administration includes FY 2000 base funding of \$350,000 for System Administration.

** Authority for ASU, JSU and MVSU to expend an amount not to exceed \$300,000 each of interest on Ayers Endowment is included in special funds for FY 2000 and FY 2001.



SUMMARY OF AYERS FUNDING

FY 1996 - 2001 Appropriations (Cumulative)

		<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>Total</u>
System Administration								
	Implementation	1,260,000	*	*	*			
	Ayers Studies & Administration					350,000	100,000	
	Ayers Base						350,000	
		1,260,000	0	0	0	350,000	450,000	2,060,000
ASU								
	Interest on Endowment (Base)**		300,000	300,000	300,000	300,000	300,000	
	Ayers Related Programs (New)		492,500	200,000	200,000	444,484	1,775,000	
	Ayers Related Programs (Base)			492,500	692,500	892,500	1,336,984	
			792,500	992,500	1,192,500	1,636,984	3,411,984	8,026,468
DSU								
	Ayers Related Programs (New)					77,000		
	Ayers Related Programs (Base)						77,000	
						77,000	77,000	154,000
JSU								
	Interest on Endowment (Base)**		300,000	300,000	300,000	300,000	300,000	
	Ayers Related Programs (New)		1,507,500	600,000	2,100,000	2,727,462	3,550,000	
	Ayers Related Programs (Base)			1,507,500	2,107,500	4,207,500	6,934,962	
			1,807,500	2,407,500	4,507,500	7,234,962	10,784,962	26,742,424
MVSU								
	Interest on Endowment (Base)**		300,000	300,000	300,000	300,000	300,000	
	Ayers Related Programs (New)				400,000	1,173,962	1,775,000	
	Ayers Related Programs (Base)					400,000	1,573,962	
			300,000	300,000	700,000	1,873,962	3,648,962	6,822,924
Total Appropriations		1,260,000	2,900,000	3,700,000	6,400,000	11,172,908	18,372,908	43,805,816
					***	***		
Other Funding Provided:								
ASU								
	Establishment of Endowment Trust		5,000,000					5,000,000
	Natchez Campus MBA Expansion				100,000	9,500,000		9,600,000
JSU								
	Property Acquisition	15,000,000						15,000,000
	Establishment of Endowment Trust		5,000,000					5,000,000
	Pre-planning School of Engineering				200,000			200,000
MVSU								
	Establishment of Endowment Trust		5,000,000					5,000,000
Total Funding		1,260,000	17,900,000	18,700,000	6,400,000	11,472,908	27,872,908	83,605,816

* Funding from the initial FY 1996 appropriation was re-appropriated for use in FY 1997 - FY 1999. FY 2001 System Administration includes FY 2000 base funding of \$350,000 for System Administration.

** Authority for ASU, JSU and MVSU to expend an amount not to exceed \$300,000 each of interest on Ayers Endowment is included in special funds for FY 2000 and FY 2001.

*** Cumulative appropriations as referenced S.B. 3136, Section 8 (FY 2000) and S.B. 3256, Section 8 (FY 2001).

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JAKE AYERS, JR.; BENNIE G. THOMPSON;
VIRGINIA HILL; B. LEON JOHNSON; PAMELA
GIPSON, INDIVIDUALLY AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED; ET AL., PLAINTIFFS
UNITED STATES OF AMERICA, PLAINTIFF/INTERVENOR

V. NO. 4:75CV009-B-D

KIRK FORDICE, GOVERNOR, STATE OF
MISSISSIPPI, BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING,
ET AL., DEFENDANTS

ORDER

This cause comes before the court on the Board's submission of the proposed allocation of FY 2001 funding for JSU, ASU and MVSU Ayers programs for court approval prior to the expenditure of such funds. The submission includes a document entitled *Ayers Implementation Priorities, FY 2001 for Increasing Other Race Presence at Alcorn State University* and a document entitled *Mississippi Valley State University Budget Justifications for Existing Programs Academic Year 2000-2001*. The 2000 Legislature has appropriated \$16.7 million for Ayers expenditures at the request of the Board. Of these funds, \$7.2 million was for operating funds for FY 2001 and \$9.5 million in capital funds was for construction of a facility in Natchez for the ASU MBA program. The question before the court is whether the funds requested by the Board under the Ayers case were for programs or expenditures ordered by this court in the Remedial Decree of March 7, 1995, or later ordered by this court subsequent to the Remedial Decree. (1)

Of the \$16.7 million the Legislature appropriated, a total of \$3,550,000 was for JSU. (2) The court finds that the itemization of the amounts and the programs to be funded is in compliance with the Ayers Remedial Decree and subsequent orders. All of the appropriations for JSU will be allocated to specific programs ordered or approved by the court. Therefore, the proposed FY 2001 expenditure for JSU should be approved.

The Board requested and the Legislature appropriated a total of \$1,775,000 in operating funds for ASU. The court finds that none of the six allocations proposed for ASU operating funds have been ordered in the Remedial Decree. The proposed \$400,000 allocation for diversity recruitment and image building is

pendent of and in addition to the court-ordered use of diversity trust funds⁽³⁾ already in place and in by all three universities that requested such funds at the trial hereof. The remaining allocations are used for five programs⁽⁴⁾ not ordered in the Remedial Decree. The court notes that the Board has tested and received funds from the Legislature this year and in past years, citing *Ayers* funding, for programs not mentioned in the Remedial Decree. The court finds that only one proposed allocation for JSU, i.e., the \$9.5 million capital appropriation for the construction of a facility to house the MBA program in Natchez, complies with the Remedial Decree.⁽⁵⁾ The proposed allocations of the \$1,775,000 appropriation in operating funds for ASU should not be approved at this time.

The Board requested and the Legislature appropriated \$1,775,000 in operating funds for MVSU. On demand the court issued an order on June 4, 1998 directing the Board to conduct a study of programs for implementation at MVSU for the purpose of attracting other-race students, as an alternative to the merger of DSU and MVSU, in accordance with the Fifth Circuit mandate.⁽⁶⁾ The Board submitted to the court a June 30, 1998 report entitled *Further Desegregation of Higher Education in the Mississippi Delta*. In a meeting with Board staff on April 10, 2000, the court-appointed Monitor was advised that the Board anticipated submitting a supplement to the report, pertaining to proposals for new academic programs, academic program enhancements and possibly program elimination/transfer, by the end of Spring 2000.⁽⁷⁾ In a letter dated May 5, 2000 the Monitor directed the Board to submit all of its proposals for desegregating the Delta universities as a single plan. The Board has not done so. The Board proposes six allocations some of which are designated for recommendations or proposals set forth in the Board's June 1998 report. The proposed \$215,200 allocation for admissions and recruitment of white students is independent of and in addition to the *Ayers* \$5 million diversity trust fund for MVSU already in place. In addition, the court finds that the Board has put the cart before the horse in obtaining appropriations for program and library enhancements which have not been ordered as part of the *Ayers* Decree but requested of the Legislature under *Ayers* funding. For the foregoing reasons, none of the proposed allocations for MVSU totaling \$1,775,000 should be approved at this time.

The court observes that the *Ayers* operating appropriations for ASU and MVSU are exactly equal and that the *Ayers* appropriation for JSU is exactly twice the amount appropriated for both ASU and MVSU.⁽⁸⁾ The appearance of these symmetrical amounts is that the Board first determined the amounts to be requested from the Legislature and then determined the programs to fund. Such an approach would wrongly suggest that the court ordered such funding. The obvious approach is to look at the programs and facilities ordered by the court in the Remedial Decree and let the implementation of the Remedial Decree determine the appropriation needed for each university.

It is therefore **ORDERED**:

That all proposed *Ayers* allocations for FY 2001 at JSU in the sum of \$3,550,000 are part of the *Ayers* Remedial Decree herein and **APPROVED**;

That the \$9.5 million capital allocation for the construction of the ASU facility for the court-ordered MBA program in Natchez is part of the *Ayers* Remedial Decree and **APPROVED**;

That the proposed allocations of operating funds for ASU in the sum of \$1,775,000 and MVSU in the sum of \$1,775,000 are not part of the *Ayers* Remedial Decree and **SHALL BE WITHHELD FROM EXPENDITURES IN FY 2001**; and

That the proposed \$100,000 allocation for system administration **SHALL BE WITHHELD FROM EXPENDITURES IN FY 2001**.⁽⁹⁾

The court is not holding that the Board cannot implement the programs for which allocations are not approved as part of the *Ayers* Remedial Decree. However, the Board should not request from the Legislature appropriations as *Ayers* funding unless the funds requested will be used to comply with the Remedial Decree. The court leaves it to the Board and the appropriate officials of the Legislature to determine whether the funds requested for the *Ayers* case for programs not having been ordered as part of the remedial phase of this case shall be retained in the account of the Board for future use consistent

the remedies ordered by the court or returned to the State treasury. THIS, the day of July, 2000.

L B. BIGGERS, JR.

EF JUDGE

ny reference to the Ayers Remedial Decree hereinafter encompasses all subsequent orders amending Decree.

ny reference to appropriations and expenditures herein pertains to FY 2001, i.e., July 1, 2000-June 2001.

See ¶ 9 of the Remedial Decree. *Ayers v. Fordice*, 879 F. Supp. 1419, 1495 (N. D. Miss. 1995).

See *Ayers Implementation Priorities, FY 2001 for Increasing Other Race Presence at Alcorn State University* at 2-8.

See Remedial Decree at ¶10. 879 F. Supp. at 1495.

. *Ayers v. Fordice*, 111 F.3d 1183, 1228 at ¶ 3 (5th Cir. 1997).

. The Board represented in its June 1998 report entitled *Further Desegregation of Higher Education in the Mississippi Delta* that the report would be supplemented in December, 1998.

8. The court finds it quite interesting that the data submitted by the Board states that two universities' expenditures for equipment were of the exact amount budgeted for that item. See Monitor's Report on Equipment Funding at 17.

9. Neither the Remedial Decree nor any subsequent order has authorized the funding of "system administration" expenditures and the Board has failed to explain the purpose of the proposed system administration allocation, with respect to *Ayers* remedies.