

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CHARLES JACKSON

PLAINTIFF

VERSUS

CIVIL ACTION NO: 1:14CV35-SA-DAS

LOWNDES COUNTY SCHOOL DISTRICT

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages and injunctive relief against the Lowndes County School District. The following facts support the action:

1.

Plaintiff, CHARLES JACKSON, is an adult resident citizen of 215 Cross Creek Road, Starkville, Mississippi 39759.

2.

Defendant, LOWNDES COUNTY SCHOOL DISTRICT, is a political subdivision of the State of Mississippi. It may be served with process through its Superintendent Lynn Wright, 1053 Highway 45 South, Columbus, Mississippi 39701.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331, and has civil rights jurisdiction under 28 U.S.C. § 1343, for an action authorized by 42 U.S.C. § 1983. At all relevant times, Defendant acted under color of state law. Plaintiff now sues for violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the equal protection clause of the Fourteenth Amendment.

4.

Plaintiff has filed the EEOC charge, attached hereto as Exhibit “A,” and has received the right-to-sue letter, attached hereto as Exhibit “B.”

5.

Plaintiff has worked as an administrator for Defendant for nineteen (19) years. Plaintiff is highly qualified to be a school principal based upon his many years of experience, and his excellent work record.

6.

While Plaintiff has been an administrator in the Lowndes County School District, the Defendant has made employment decisions based on race. It is the practice and policy of Defendant, acting through a majority of the Board of Trustees, to assign a black principal to the schools in the West Lowndes School, which has a one hundred percent (100%) black population, and to assign white administrators to the New Hope and Caledonia Schools, which are predominantly white. For example, the Caledonia school system has approximately one hundred ten (110) teachers, one hundred eight (108) of whom are white and only two (2) of whom are black. The New Hope school system has a faculty population which is seventy-five

percent (75%) white. New Hope has only one black administrator, an assistant principal. The School Board systematically refuses to promote that assistant principal.

7.

On the other hand, consistent with its race-based policy, the Defendant always selects a black person as West Lowndes principal and assigns its black teachers to West Lowndes schools. The West Lowndes schools have about sixty percent (60%) black teachers.

8.

Plaintiff worked for approximately nineteen (19) years as an assistant principal at the West Lowndes High School under Principal Cliff Reynolds, a well-respected black principal and Roosevelt Bridges. Jacqueline Gray, a black board member, wanted only black administrators at the West Lowndes High School, and repeatedly attempted to get rid of Plaintiff and to remove him from his position as assistant principal, but was unable to do so.

9.

On July 27, 2012, Cliff Reynolds, the black principal, retired. The recently-elected Superintendent of Education, Lynn Wright, who opposes the school board's race-based assignments, appointed Plaintiff as interim principal.

10.

On October 10, 2012, by a 3-2 vote, the School Board made Plaintiff the interim principal.

11.

On February 8, 2013, Superintendent Wright, submitted Plaintiff's name for rehire as principal. The School Board voted 3-2 against rehiring Plaintiff as principal. The three school

board members who voted against Plaintiff were Jacqueline Gray (black), Robert Barksdale (white) and Wesley Barrett (white). Gray and Barksdale made their votes for the purpose of maintaining the segregated method of operating schools in Lowndes County.

12.

The reason Plaintiff was not hired as principal is his race, white. The School Board informed Superintendent Wright that he should assign Plaintiff as an “administrator,” but that it would not make him the principal of the West Lowndes School.

13.

School Board member Gray has made statements that the reason she will not vote for Plaintiff as principal is that he filed a previous race discrimination case against the School District. If this be the reason, then Gray’s vote violates the anti-retaliation prohibition in Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981.

14.

Defendant’s maintaining a segregated system of assignment of administrators, knowing that these actions violate the equal protection clause of the Fourteenth Amendment, violates 42 U.S.C. § 1981.

15.

Plaintiff is entitled to actual damages against Defendant for race discrimination to compensate him for the mental anxiety and stress he has suffered.

16.

Plaintiff sues under 42 U.S.C. § 1981, under the Fourteenth Amendment, and under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

REQUESTS FOR RELIEF

Plaintiff requests actual damages against Defendant Lowndes County School District in an amount to be determined by a jury, plus reasonable attorneys' fees, costs and expenses. Plaintiff also requests an injunction awarding him the principal's position at West Lowndes High School.

Respectfully submitted, this the 27th day of February, 2014.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

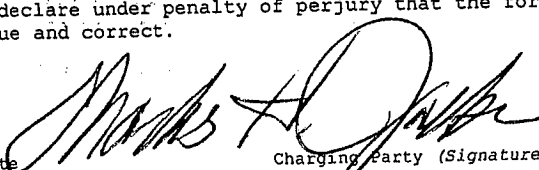
BY: /s/ JIM WAIDE

JIM WAIDE

MS BAR NO: 6857

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Attorneys for Plaintiff

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		AGENCY <input type="checkbox"/> <input type="checkbox"/>	CHARGE NUMBER 423-2013-01245
and EEOC			
State or local Agency, if any			
NAME (Indicate Mr., Ms., Mrs.) Mr. Charles Haskell Jackson		HOME TELEPHONE (Include Area Code) 662-324-1598	
STREET ADDRESS 215 Cross Creek Rd.		CITY, STATE AND ZIP CODE Starkville, MS 39759	DATE OF BIRTH 11/17/51
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Lowndes County School District	NUMBER OF EMPLOYEES, MEMBERS 15+		TELEPHONE (Include Area Code) 662/244-5000
STREET ADDRESS 1053 Hwy 45 South		CITY, STATE AND ZIP CODE Columbus, MS 39701	COUNTY Lowndes
NAME Charles Haskell Jackson		TELEPHONE NUMBER (662-324-1598)	
STREET ADDRESS 215 Cross Creek Rd.		Starkville, MS 39759	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> (Other) Pregnancy		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL) 2-8-13 <input type="checkbox"/> continuing action	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I am a white person. I have been an assistant principal for Respondent for nineteen (19) years. Throughout the time of my employment, Respondent has hired teachers and administrators on a racially discriminatory basis. The Respondent's practice is that the two white schools in the district (New Hope and Caledonia) will be assigned white administrators, and the all-black schools in the district (West Lowndes) will be assigned a black administrator. I worked for many years as an assistant principal to a black principal, Cliff Reynolds. A black school board member, Jackie Gray, repeatedly tried to get me fired because she did not want a white assistant principal at West Lowndes. On July 27, 2012, Cliff Reynolds, the black principal, left the district. The superintendent, Lynn Wright, who is not a racist person and who opposes the racist practice of the business, immediately made me acting principal. The school board, by a 3-2 vote, made me interim principal on October 10, 2012, but did not make me the full-time principal. On February 8, 2013, the Superintendent recommended me for rehire as principal. Rehiring me as principal failed by a 3-2 vote. The black Board member, Jackie Gray, actively opposed me and two other white board members went along with Gray. The understood policy is that there cannot be a white principal at West Lowndes and there cannot be a black principal at New Hope or Caledonia. The Superintendent opposes the racially discriminatory practice, and has kept me assigned as "administrator" to the West Lowndes School. However, the racists actions being taken against me, and the fact that the school board will not make me full principal, causes difficulties in my supervising the teachers and causes a lack of respect from students. I am suffering great anxiety and stress because of the racial discrimination against me. Because of the urgency of this matter, I am filing a civil suit under 42 U.S.C. § 1981.			
I request the EEOC to investigate and determine if I am being discriminated against because of my race, white, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date _____ Charging Party (Signature) 		SIGNATURE OF COMPLAINANT	
EEOC FORM 5 (Test 10/94)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

RECEIVED
 APR 18 2013
 EEOC/JAO

EXHIBIT
A



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2013 7523

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

December 17, 2013

Mr. Charles H. Jackson
c/o Jim Waide, Esquire
Law Offices of Waide & Assocs.
P.O. Box 1357
Tupelo, MS 38802-1357

Re: EEOC Charge Against Lowndes County School Dist.
No. 423201301245

Dear Mr. Jackson:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Jackson Area Office, Jackson, MS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Jocelyn Samuels
Acting Assistant Attorney General
Civil Rights Division

by *Karen L. Ferguson*
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Jackson Area Office, EEOC
Lowndes County School Dist.

