

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOYCE MARIE MOORE, ET AL.,

CIVIL ACTION
NO. 65-15556

VERSUS

JUDGE LEMELLE
MAGISTRATE (1)

TANGIPAHOA PARISH SCHOOL BOARD, ET AL

PLAINTIFFS' OPPOSITION TO TAX ELECTION AND EXPANSION
OF EXISTING HAMMOND MAGNET PROGRAMS

The defendants have filed a motion [R. Doc. 857] seeking to renew the tax that was initially approved by a joint stipulation of the parties approved by the court [R. Doc. 566]. The expectation was that the defendants, after receiving approval for the tax election, would cure the lack of a planning study and analysis, and inform the court and plaintiffs as to the impact that these accelerated learning schools would have on desegregation. The only document submitted to the court concerning the program prior to the current submissions to renew the tax hardly qualifies as a planning study and analysis [R. Doc. 596].

The plaintiffs continue to object to these motions that continue to ignore 1977 Order 18 [R. Doc. 522-2], as amended by the current Judge [R. Doc. 612]. The court's orders require time limits for notice of bond elections and

opportunity for plaintiffs to review. Once again, defendants come at the last minute with an important issue, demanding expedited consideration. Plaintiffs object. Defendants have long been aware that this tax would expire and they gave no notice of intent that they might seek renewal. Pendency of court review of their proposed desegregation plan is no excuse for this kind of last minute presentation to the court, requiring review in a heated rush.

Undersigned counsel has discussed this Hammond Magnet School matter with the Compliance Officer and raised concerns for her review. It has been reported to plaintiffs' counsel that these accelerated/magnet programs are operated as schools within schools, segregating the accelerated/magnet school students so that they have little or no contact with other students. Plaintiffs' counsel has requested the Compliance Officer to investigate and determine whether these programs are operated in a manner that is psychologically demeaning to the general student populations that are overwhelmingly black.

Finally, plaintiffs again assert that the entire funding scheme of the Tangipahoa Parish School System is unconstitutional in violation of the Fourteenth Amendment. This tax is for another restricted fund that obstructs the

setting of priorities and obstructs the school board from addressing the most pressing needs of a unitary system. There is one school system and the defendant school board is responsible for equitable collection and distribution of funds to bring about a unitary school system. The Hammond area tax is another piece of a piecemeal system that fosters the admitted failure to desegregate the system and promotes the inequitable facilities that require the development of a new desegregation plan that is now before the court.

Plaintiffs' counsel do not want to appear as the Grinch who stole Christmas by opposing a program that might be beneficial to the children of Tangipahoa Parish. Nevertheless, plaintiffs' point out that the defendants have yet to present an analysis of this program as a beneficial tool promoting desegregation and educational equality. Serious issues are raised by schools within schools that treat their regular overwhelmingly black student populations as untouchables.


Any approval of a bond/tax election, as well as the accelerated learning programs funding, should be subject to continuing review by the court. Plaintiffs believe that under the circumstances of this case the Fourteenth Amendment

requires the Tangipahoa Parish School Board to establish priorities of the school system as a whole and requires the Board to equitably distribute funds in a manner that promotes the development of a unitary school system. All of the bonding districts, including the special Hammond area accelerated/magnet funding district are unconstitutional.

CONCLUSION

Plaintiffs urge the court to consider that continuation of the Hammond area schools within schools are not part of the desegregation plan proposals now before the court. Approval of this bond election will only complicate the issue of the bond elections proposed by the school board related to their proposed desegregation plan. The defendants' motion should be DENIED.

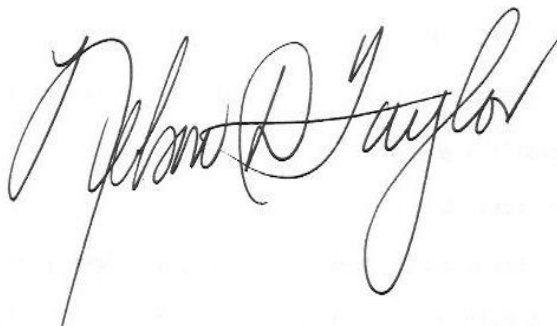
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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2009, I filed the foregoing with the clerk of court for the United States District Court for the Eastern District of Louisiana using the CM/ECF which will send a notice of electronic filing to counsel of record for the defendants.

A handwritten signature in black ink, appearing to read "Robert D. Taylor". The signature is written in a cursive style with a large, looped initial "R".