

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOYCE MARIE MOORE, ET AL.
Plaintiffs,

CIVIL ACTION NO.: 65-15556

VERSUS

SECTION "B" (1)

TANGIPAHOA PARISH SCHOOL BOARD,
Defendant.

JUDGE: IVAN L. R. LEMELLE

ORDER

On March 21, 2008, the court issued an order directing defendant to submit an Order to the plaintiffs on or before April 21, 2008. Pursuant to orders of the court, the submission date was extended to January 31, 2009, and subsequently to April 30, 2009. In compliance with the court's order, parties, parties counsel, experts, and the Court's compliance officer have consulted with each other. Discussions with interested parents, citizens, community leaders and others were reportedly conducted at various times within Tangipahoa Parish and elsewhere by or with certain parties, counsel and/or the compliance officer. Evidentiary hearings were held on proposed desegregation plans offered by all parties. Although the school system has made progress in many areas, this Order addresses conditions or facets of the operations of the school system in which additional remedial efforts are needed and for which judicial supervision should continue.

Upon review of the school desegregation plan filed herein by the Tangipahoa Parish School Board (Doc. No. 738), and after hearing and post-trial conference, the Court finds credible record evidence in support of the school board's plan as amended by subsequently entered orders of the court (Doc. Nos. 759, 770, 804 and 805), and with the modifications contained herein; the Court further finds that the school board's plan, as amended, is consistent with applicable federal law; that the plan's provisions are reasonable, equitable, constitutional

and consistent with public policy; and the provisions of this Order, if faithfully implemented by the school board in good faith, should, upon termination of this Order, result in a unitary school system and relinquishment of judicial supervision.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED as follows:

The school board shall commence activities to construct a new **O. W. Dillon Elementary School** at a site of its election **within 45 days of the entry of this Order** that will be in substantial conformity with specifications contained in the **Comprehensive Assessment found in Attachment "I"** to this Order. Funding required for the planning and construction of the new school shall be paid on a proportionate basis from each school taxing district's pay-as-you-go funds derived from the current one cent sales and use tax, or from the proceeds of the tax propositions in Paragraph 1(A) and (B) of this Order, or from a combination of the both.

IT IS FURTHER ORDER, ADJUDGED AND DECREED as follows:

STUDENT ASSIGNMENTS

1(A). **The student assignment plan is premised upon construction of three new elementary schools (the new elementary schools are listed in Attachment "A").** Construction of the three new elementary schools is dependent upon voter approval by a majority of the electors of the school district voting in a special tax election to provide the necessary funding for site acquisition and construction of the schools.

The student assignment plan also is premised upon the introduction of new magnet programs (the new magnet programs are listed in Attachment "B"). The new magnet programs are designed to enhance educational opportunities and further the desegregation of the school system. The new magnet schools will be located in the Hammond, Kentwood,

Independence, Roseland, and Amite areas. Funding necessary to implement the new magnet programs will be sought by the school system from the United States Department of Education, or its successor.

Funding will also be necessary for expansions, renovations, and repairs to other existing school facilities. (The Comprehensive Assessment is contained in **Attachment “I”**.) Tax avails will be used for the employment of art and music teachers for each elementary school and for salary scale adjustments for school personnel employed by the school district. Salary adjustments, together with the activities of the **Teacher Recruitment Assistance Committee**, are designed to assist the school district in the recruitment and retention of qualified teachers and the recruitment and retention of qualified black teachers.

With the exception of the areas mentioned above in this subparagraph, the remaining provisions of this Order are not dependent upon the passage of a tax or grant funding from the United States Department of Education or its successor.

1(B). Funds for capital needs (see the Comprehensive Assessment in **Attachment “I”**) will be secured by the proceeds of proposed general obligation bonds and proceeds of bonds to be paid by an existing one cent sales and use tax of the school district. **With respect to the general obligation bonds, the school board will create a new parish-wide school taxing district** that will first submit a proposition to the voters of the parish seeking approval to assume the existing general obligation debt of the existing sub-taxing school districts. This existing general obligation bond debt will then be paid by a uniform millage levied parish-wide by the new parish-wide school taxing district. The newly created parish-wide school taxing district will simultaneously submit to the voters a proposition authorizing the issuance of new general obligation bonds and authorizing the annual levy of a uniform parish-wide millage sufficient to

pay the debt service on such bonds. These general obligation bonds will be issued in multiple series, as needed, and the proceeds thereof will be utilized to fund the bulk of the proposed capital needs set forth in the Comprehensive Assessment.

With respect to the bonds to be paid by the existing sales and use tax (said tax was authorized on November 2, 1892 and re-authorized for 30 years by the voters at an election held on July 21, 2007), the existing school taxing districts will utilize a portion of these sales and use proceeds allocated to each district to pay bonds to fund the remaining capital facilities needs. These bonds will be issued by each district or by the school board on behalf of such districts. No additional approval of the voters is required for the bonds to be paid by the proceeds of the existing sales and use tax.

Simultaneously, with the above discussed propositions an **Educational Facilities Improvement District, to be created pursuant to La. R.S. 33:2740.37**, will submit to the voters a proposition for authority to levy an additional one cent sales and use tax in the parish. Pursuant to a **Cooperative Endeavor Agreement** that will be entered into between the Educational Facilities Improvement District and the school board, the proceeds of the tax will be utilized by the school board to fund the operation and maintenance of the proposed new school facilities and proposed new programs. Authority to fund this tax into bonds will be contained in the proposition, but it is not expected at this time that such bonds will be necessary to fund the capital needs contemplated in this Order.

With the additional local funding support for the school system through passage of the abovementioned propositions, the school board will receive additional monies from the state's **Minimum Foundation Formula** that will be used to off-set other operation and maintenance costs, including a salary scale enhancement for teachers and support personnel.

Attachment “I” also shows the funding source for each project and anticipated expenditures from the one cent sales and use tax to be levied by the Educational Facilities Improvement District.

Subject to further court order, the school board will only proceed with implementation of that portion of the Comprehensive Assessment to be funded with the existing sales and use tax funds if all three of the abovementioned propositions to be submitted to the voters are approved.

1(C). **The proposition levying the existing one cent sales and use tax (also known as the “pay-as-you-go” funds) shall be resubmitted to the voters within not more than 365 days of the April 2011 election to provide** that the proceeds thereof will be allocated to the **new parish-wide school district instead of the present distribution**, which provides for a pro rata allocation based on enrollment to the underlying districts.

1(D). **Attachment “A”** to this Order lists the **new schools** to be constructed from tax avails and the general area in which each new school will be situated. With the exceptions of the High Tech/Central Education Center (a district-wide, dedicated magnet school), each new school’s student attendance zone is projected to result in a desegregated student body enrollment based upon a **plus or minus 15 percent deviation factor of the white/black students enrolled in the school system.**

1(E). **Attachment “B”** contains a description of each new magnet program to be funded from the **Magnet School Assistance Grant** to be applied for by the school board, the school at which each will be housed, an implementation schedule, a listing by prioritized categories for magnet transfer admissions, projected budgets for programmatic implementation, and a sample

parental/guardian magnet program agreement in the event the grant is received or other funding is available for implementation.

In order to provide funding for the proposed new magnet programs, the school district is expressly authorized to seek magnet school grants from the United States Department of Education or its successor for assistance in funding the magnet programs in **Attachment “B”** to this Order and, with court approval, any additional magnet programs the school district may seek to establish. In the event a magnet school grant is received by the school district, student enrollments shall be governed by grant requirements.

1(F). **Attachment “C”** to this Order contains **new student attendance zones and feeder patterns** based upon completion of construction of the three new elementary schools that will serve the Hammond/Ponchatoula areas, the Hammond/Loranger/Natalbany/Champ Cooper areas, and the Amite/Loranger areas. The new student attendance zones shall be phased-in in accordance with the implementation schedule in **Attachment “C”**.

1(G). **A desegregation standard of plus or minus 15 percentage points** of the white/black student population of the school system as of the most recent October 1 student count shall be utilized to determine whether a school is desegregated.

1(H). **Court approval shall be obtained for any change in the mission of a school not otherwise expressly provided for in this Order.**

1(I). Regardless of domicile within or without the school district, children of school administrators, teachers and other faculty members, non-instructional support personnel, and other personnel assigned to a particular school shall be permitted to attend the school to which their parent is assigned and schools within the said school’s feeder pattern. Transportation shall be provided by the school employee or the student at no cost to the school district.

1(J). Where homeless status is claimed, the student shall be enrolled in school. Within 15 days of enrollment, the student's parent, custodial relative, or custodial friend shall execute a sworn affidavit attesting to the student's homeless status on a form provided by the school system which shall recite in boldfaced print that any person making false attestations in the affidavit will be reported to the United States District Court for the Eastern District of Louisiana for such action as the court may take for a false attestation made in violation of this Order's student assignment plan. In addition to the execution of the affidavit provided for in this paragraph, an affidavit shall be required within the same time period from any person or facility with or in which the homeless student's parent, custodial relative, or custodial friend claims to reside or provisionally reside, on a form provided by the school system which shall recite in boldfaced print that any person making false attestations in the affidavit will be reported to the United States District Court for the Eastern District of Louisiana for such action as the court may take for a false attestation made in violation of this Order's student assignment plan. Failure to timely submit the affidavits required in this paragraph shall result in removal of the student from enrollment in the school. A copy of each of the affidavits required in this paragraph shall be submitted to counsel for the parties within 10 days of receipt by the principal. Either party for good cause shown to the court may challenge a student's homeless status.

1(K). Fifth and sixth grade teachers assigned to the new pre-kindergarten/sixth grade school serving certain students in the Hammond/Ponchatoula areas shall be trained in the teaching methodology applicable to teachers assigned to teach at the **International Baccalaureate/Arts magnet school at Hammond Eastside Elementary School** in order to prepare such students for enrollment in the **International Baccalaureate program offered at**

Hammond Junior High School. These students shall also receive classes in the foreign language to be offered at Hammond Junior High School.

2(A). **Student enrollment in magnet elementary and junior high/middle school programs** shall be comprised of students zoned to attend the magnet school, students enrolled pursuant to the enrollment priorities listed in **Attachment “B”**, and students enrolled pursuant to the enrollment preference provided for above in **Paragraph 1 (H) of this Order**.

Student retention in magnet elementary school programs shall be subject to the magnet student agreement portion of the parental/guardian magnet program agreement in **Attachment “B”**. Magnet transfer student retention at the junior high/middle school level shall be based upon the magnet student agreement portion of the parental/guardian magnet program agreement in **Attachment “B”**. Retention of students zoned to a junior high/middle school magnet shall be based upon compliance with the school system’s Code of Conduct rules as contained in the Student Handbook. Junior high/middle school zoned students who fail to comply with the school system’s Code of Conduct rules as contained in the Student Handbook may be reassigned to an alternative school or a school in another school zone.

2(B). **At the high school level**, students zoned to attend the magnet high school, students enrolled pursuant to a majority-to-minority or academic transfer, and students enrolled pursuant to the enrollment preference provided for above in **Paragraph 1 (H) of this Order** may elect to participate in the magnet program or take specific magnet courses, subject only to the **admission requirements applicable to the International Baccalaureate Diploma Programme for eleventh and twelfth grade students and the admission prioritization categories applicable to the high school magnet programs**. High school students enrolled in the magnet school pursuant to an approved magnet student transfer shall participate in one or more of the magnet

programs offered at the magnet high school, subject only to admission requirements applicable to the International Baccalaureate Diploma Programme for eleventh and twelfth grade students.

2(C). With the exception of special education and foreign language teachers, all teachers assigned to the faculty of a magnet school shall be certified for the grade level or for the course(s) they will be assigned to teach.

All existing administrative and faculty positions at a magnet school shall be declared vacated and the school's administration and faculty shall be reconstituted for the commencement of School Year 2011. Existing administrators and teachers may seek administrative and faculty positions on the reconstituted staff of a magnet school. Displaced certified personnel shall be reassigned to other schools within the school system.

Magnet school administrative and faculty assignments shall be made by the superintendent of schools, following Court-approved procedures, to assure that all administrative personnel and teachers assigned to a magnet school have an interest in the magnet theme(s) to be offered at the school, a willingness to adopt to any special instructional approaches and training the magnet theme may require, and a willingness to participate in recruitment activities aimed at attracting magnet transfer students. Administrative and faculty members assigned to a magnet school shall enter into an agreement with the school district agreeing to undergo necessary training and committing to a minimum three school year assignment on the faculty of the magnet school absent an extraordinary circumstance or occurrence or removal from the faculty by the superintendent of schools based upon the best interest of the magnet school. Such assignments shall be submitted to the Chief Desegregation Implementation Officer and the Court Compliance Officer prior to implementation.

Transportation, or the cost thereof, for all eligible attendance zone and magnet transfer students residing within the school district shall be provided, or paid for, by the school district.

Magnet transfers shall be made at the commencement of a school year. An election by a magnet transfer student to return to his/her home attendance zone school may be exercised at the commencement of a school year or at the beginning of the second semester of a school year. An election to attend a magnet school by a student residing outside the school's student attendance zone shall be made not later than 45 days prior to the commencement of a school year. An election by a magnet transfer student to return to his/her student attendance zone school shall be made not later than 45 days prior to the commencement of a school year or 45 days prior to the end of the first semester of a school year. In the absence of timely notice to return to an attendance zone school by a magnet transfer student, the magnet transfer student shall continue his/her enrollment in the magnet school through the terminal grade offered at the school.

If the parent, or legal guardian, of a student zoned to attend a magnet school does not wish to have his/her child enrolled in the magnet school, the parent or legal guardian may seek, where eligible, a majority-to-minority transfer.

Where the student is ineligible for a majority-to-minority transfer or where such transfer is not timely submitted, the student shall be assigned by the school system to a school in proximity to the parent or legal guardian's domicile. No such school assignment shall result in a desegregated school becoming racially identifiable or in increasing the majority race in a racially identifiable school. When such an assignment is made, the student's parent or legal guardian shall be responsible for transporting the child to and from the assigned school at no cost to the school district.

The school system shall promote its magnet programs through activities in consultation with the court compliance officer.

The school district shall monitor course offerings at all regular and comprehensive schools to assure that magnet courses are not duplicated.

2(D). **The High Tech/Career Education Center** will house the specialty programs designed for junior and senior high school students. These program offerings will be available to any junior or senior high school student enrolled in the school system. Students will have an opportunity to earn industry and technical certifications that will lead to diploma endorsements upon graduation. Students enrolled in these programs will attend the High Tech/Career Education Center for a portion of the school day and attend their attendance zone or transfer school for the remainder of the school day for core and elective subjects and extracurricular activities. High Tech/Career Education Center students will graduate from their attendance zone or transfer school, as the case may be. An illustrative listing of the endorsements and certification areas to be offered at the High Tech/Career Education Center are contained in **Attachment “B”**.

Transportation will be available through the school system for students enrolled in the High Tech/Central Education Center.

3. With the exception of admissions of students to magnet elementary and middle schools, and the High Tech/Central Education Center, the school district shall utilize majority-to-minority transfers (“M-to-M Transfers”) at all grade levels to further facilitate the desegregation of the school system. **The M-to-M Transfer policy is attached as Attachment “D”**.

4. The school district shall permit academic transfers for any high school student wishing to attend a high school within the school system other than his/her home attendance zone high

school for the purpose of enrolling in a TOPS recognized course or courses of study, a JROTC program, and/or an Advanced Placement course or courses of study not offered at his/her home attendance zone high school.

No academic transfer shall be allowed that would result in a receiving desegregated school becoming racially identifiable. No academic transfer shall be allowed that would result in an increase in the number of majority race students at a racially identifiable school.

The option to elect an academic transfer shall be made at least 45 days prior to commencement of the school year. An academic transfer shall expire at the end of the school year for which it is approved. Transportation for academic transfer students shall be the responsibility of the academic transfer student or his/her parent or legal guardian at no cost to the school district.

5. In instances of a judicial decree of divorce in which joint custody has been ordered by the court and a domiciliary parent designated, the student shall be assigned to the school zoned for the domicile of the domiciliary parent. Where the judicial decree of divorce does not designate a domiciliary parent, the student's parents may elect to have the student attend the school in the student attendance zone in which either parent resides, provided the election shall be made at least 45 days prior to the commencement of each school year and the enrollment shall be for the entirety of the school year. If no election is made the child shall attend the school in the student attendance zone of the parent having custody as of the commencement of a school year and the enrollment shall be for the entirety of the school year.

6. Students entering into the eleventh or twelfth grade in the school year in which the student assignment plan in **Attachment "C"** is initially implemented who otherwise would be assigned to a different high school than the one in which they were enrolled in the preceding

school year shall be afforded an option, to be exercised prior to the end of such preceding school year, to continue enrollment in school of their then current enrollment. Each such election shall be timely submitted to the **Chief Desegregation Plan Implementation Officer** not later than the end of said preceding school year.

In the event of school overcrowding, in the inverse order of receipt of election forms, students electing this option shall be required to enroll in their respective new attendance zone school until such time as the number of students electing the option shall equal the capacity of the school.

Transportation for junior and senior students electing this option shall be the responsibility of the transferring student or his/her parent or legal guardian at no cost to the school district.

7. Transfers not specifically provided for herein are eliminated. However, in extraordinary circumstances a transfer may be granted upon application of a parent, guardian, or custodial relative where the transfer is approved by the **court compliance officer**. No extraordinary circumstance transfer shall be granted that would result in the enrollment of a student in a magnet program school. The extraordinary circumstance transfer policy is contained in **Attachment "E"**.

8. **Inter-district transfers are hereby authorized.** All currently enrolled inter-district transfer students shall be permitted to continue their enrollment in the school of current enrollment and, where applicable, progress to schools within the feeder pattern of their school of current enrollment. Commencing with the beginning of the school year following the entry of this Order, inter-district transfer students enrolling in the school system for the first time shall be assigned to schools in such a manner that their enrollment in a particular school will not increase

the majority race of a racially identifiable school or result in a desegregated school becoming racially identifiable.

9. The school district shall advise each principal in writing about the transfer options provided for in this Order and each such principal shall be required to execute a document attesting as to his/her comprehension of the applicable requirements for each transfer option and his/her agreement to diligently enforce applicable transfer requirements. In addition, the writing shall contain language, the effect of which, advises each principal that a knowing failure to enforce applicable transfer requirements may be punishable as a contempt of court.

10. High school interscholastic athletic eligibility shall be governed by rules of the Louisiana High School Athletic Association with the following exceptions:

(A). M-to-M transfer, magnet transfer and academic transfer students, students enrolled under the joint custody provisions in Paragraph 5, students enrolled in a school pursuant to the transfer option in Paragraph 1(H), and students enrolled in school pursuant to the transfer option in Paragraph 6 of this Order, regardless of grade level at the time of transfer, shall be eligible to participate in all interscholastic athletic programs in the year of the initial transfer except those for which a competitive season is then in progress.

(B). M-to-M transfer, magnet transfer and academic transfer students, students enrolled under the joint custody provisions in Paragraph 5 of this Order, students enrolled in a school pursuant to the transfer option in Paragraph 1(H), and students enrolled in a school pursuant to the transfer option in Paragraph 6 of this Order electing to return to their sending or home student attendance zone school shall be immediately eligible to participate in all interscholastic athletic programs except those for which a competitive season is then in progress.

11. **The school district shall undertake steps to increase levels of participation of black students in gifted study programs.** These shall be comprised of the following:

The current testing program for identification of gifted children will be expanded to place an emphasis on teacher and parental referrals of black children for testing. Once a black child is identified as possibly possessing traits qualifying him/her as potentially eligible for receipt of gifted services, the teacher will advise the school's principal of the identity of the child. The principal will be responsible for providing prompt notice of the child's identity to the Chief Desegregation Plan Implementation Officer and the appropriate central office staff person responsible for oversight of gifted services. A parental consultation will be scheduled at the earliest practicable time between the teacher, the Chief Desegregation Plan Implementation Officer or the appropriate central office staff person and the parent(s) or legal guardian of the child. Upon a request of a parent or teacher, testing will be offered at no cost, to determine whether a child qualifies for gifted services.

The school district shall also annually provide a written notice to all students and parents which shall include information concerning the program's referral, screening, and eligibility requirements and procedures.

12. **Advanced Placement courses** may be offered in high schools within the school system in accordance with the teacher allotment for the school as recommended to the school board by the superintendent of schools. Advanced Placement courses shall not duplicate magnet course offerings at Hammond High School or Kentwood High School. Prior to the introduction of a new or revised educational program and/or course offering at a regular and comprehensive school, the school system shall provide written notice to plaintiffs describing the proposed new or revised educational program and/or course offering. The notice shall be given at least 45 days prior to such introduction.

13. The school system shall ensure enrollment criteria for Advanced Courses, Honors Courses, and Advanced Placement classes, and any such programs that are modified or added at

a school after the date on which this Order is issued are racially non-discriminatory in nature.

The school system in consultation with the Chief Desegregation Plan Implementation Officer and/or the Court Compliance Officer shall commence the following measures in School Year 2010:

(A). Review such courses, programs and classes in middle, junior high, and high schools and identify those in which black students are under-represented using a standard of a plus or minus 15 percent of their enrollment in each such school. For such courses, programs and classes, the school district shall review the selection processes and criteria, particularly any test-based criteria or other stated and unstated prerequisites to such courses and programs, including teacher recommendations, to ensure that they are necessary and educationally sound, and develop methods designed to increase the representation of black students in these courses, programs and classes.

(B). Where participation is based on teacher recommendations, the school district shall ensure that teachers are trained to identify and encourage students from all cultures who are capable of doing advanced work to participate in Advanced and Honors courses, and Advanced Placement classes.

(C). **No later than ninety days after the entry of this Order**, the school district shall formulate and adopt procedures and practices designed specifically to inform, attract, and recruit black students to advanced courses. The plan shall provide, among other things, that school administrators, guidance counselors and/or faculty will affirmatively counsel, guide and review student course selections and organize and schedule course offerings and classes in a manner that will develop, challenge and enhance student skills, interests and abilities. The plan shall provide parents with information to assist in selection of Advanced and Honors courses, and Advanced

Placement classes, in preparation for graduation from high school. The plan also shall include training for guidance counselors to work with minority students and families to identify and encourage students to enroll in magnet programs, Advanced and Honors courses, and Advanced Placement classes. Copies of the plan and training schedule shall be furnished to plaintiffs, the Chief Desegregation Implementation Officer and the Court Compliance Officer at least 20 days in advance of implementation and any reasonable comments or suggestions of plaintiffs, Chief Desegregation Implementation Officer and/or the Court Compliance Officer for improvements or additions to the plan and/or training schedule shall be incorporated by the school district where they are educationally sound, or will advance the effort to attract black students to Advanced and Honors courses, and Advanced Placement classes.

In the event of disagreement among the parties as to the sufficiency of the plan and/or training schedule, recourse may be made to the court.

(D). In conjunction with the above measures, the school district shall conduct parent pre-registration meetings that explain course offerings at middle and junior high, and high schools.

14. **Student discipline** shall be administered on a non-discriminatory basis to assure that discipline is evenly and consistently administered to the extent reasonable factoring in all of the surrounding circumstances. With respect to student discipline, the school district shall:

(A). Implement, no later than ninety days after the entry of this Order, a computer database at all schools that will track discipline referrals and disciplinary action. The information gathered will include, but is not limited to, the race of the referring teacher, the race of the student, the race of the disciplinarian, a specific description of each infraction, the discipline received by the student, and referrals to law enforcement authorities. If disciplinary figures at an individual school exceed by five percent points above the racial percentage of either

white or black students enrolled in the school, the central office administrator responsible for discipline and the Chief Desegregation Plan Implementation Officer shall meet with the principal of the school and the person responsible for student discipline to determine the reason for the disparity. The results of all such meetings shall be submitted to the Court Compliance Officer in globo on a quarterly basis

(B). The central office discipline coordinator or supervisor in conjunction with the Chief Desegregation Plan Implementation Officer shall be responsible for monitoring and coordinating the development and implementation of uniform student discipline policies for all schools within the school system. The discipline coordinator or supervisor also shall design, and the school system shall adopt, a uniform discipline reporting form if one does not exist. The form shall be used by each school within the school system effective within 90 days of the entry of this Order. The name of the discipline coordinator or supervisor shall be provided to plaintiffs' counsel and the court compliance officer.

(C). Require each principal to oversee database collection and prepare an annual written report thereon to the school board, plaintiffs' counsel and the court compliance officer.

(D). Conduct cultural sensitivity training for all school system employees and other persons who come into contact with students and who may report disciplinary infractions and/or administer discipline, to ensure that discipline is imposed consistently, uniformly and in a non-discriminatory manner. Such training shall commence within 90 days of the date on which this Order is approved by the court. A summary containing the types of training to be provided and by whom shall be provided to plaintiffs' counsel and the court compliance officer for their review and comment at least 20 days prior to commencement of such training.

ADMINISTRATIVE AND FACULTY ASSIGNMENTS

15. School system administrative personnel, principals and assistant principals of schools, and certified personnel who are paid salary for employment related services that are for at least nine months (except classroom teachers) shall be recommended for appointment by the superintendent of schools subject to the concurrence of the school board, whose concurrence shall not be unreasonably withheld. **Employment or appointment of such personnel shall be based upon criteria approved by the court for the hiring and/or appointment of supervisory/administrative personnel in Order (Doc. No. 866).**

Principal and assistant principal appointments shall be made without regard to the racial make-up of the student body of a school.

16. Guidance counselors, teachers, coaches, and non-instructional support staff personnel shall be recommended for appointment/employment by the superintendent of schools subject to the concurrence of the school board, whose concurrence shall not be unreasonably withheld. School assignments for guidance counselors, teachers, coaches, and non-instructional support staff personnel shall be made by the superintendent of schools. **The employment of guidance counselors, teachers and coaches shall be made in conformity with the criteria set forth in Attachment "F"**. The school system shall develop guidelines for the hiring of non-instructional support staff including school and central office personnel which is non-discriminatory in nature and which assist in achieving the diversity goals outlined in this Order.

No guidance counselor, teacher, coach, or non-support staff personnel may transfer from their assigned school to another school within the school system without the express written approval of the superintendent of schools.

17. School-site administrators and faculty for the magnet schools provided for in Paragraph 1(B) of this Order shall be reconstituted and in place for the commencement of the

school year immediately following passage of the taxes required for the implementation of this Order. Faculty assignments for the magnet schools provided for in this Order shall be in compliance with staffing requirements provided for herein in Paragraphs 18(A) through 18(C), inclusive, and 22.

18(A). Upon commencement of the school year in which the new schools provided for in Paragraph 1(C) of this Order become operational, minimally the composition of certified teachers (excluding special education and foreign language teachers, and JROTC instructors) assigned to teach pre-kindergarten through eighth grades shall be assigned in such a manner that the racial composition of such teachers at each school shall approximate the system-wide racial composition of teachers certified to teach pre-kindergarten through eighth grade students allowing for a deviation of plus or minus five points. This requirement addresses *Singleton*.

18(B). Upon commencement of the school year in which the new schools provided for in Paragraph 1(C) of this Order become operational, minimally the composition of certified teachers (excluding special education and foreign language teachers and JROTC instructors) assigned to the faculties of high schools (grades nine through 12) shall be assigned so that faculties at each such school shall approximate the system-wide racial composition of teachers assigned to these schools allowing for a deviation of a plus or minus four points. This requirement addresses *Singleton*.

19. With respect to school site administrators, the school district may move the court for a declaration of unitary status when compliance is achieved with applicable legal requirements pertaining to the non-discriminatory assignments of administrative personnel. For purposes of this Order, “school site administrative personnel” means principals and assistant principals.

20. **The school district will undertake steps, in conformity with Attachment “F” to this Order, to increase the number and percentage of black certified teachers within the school system assigned to teach at each magnet program, regular and comprehensive, and special school with a goal of increasing the percentage of black certified teachers to a level approximating the percentage of black students enrolled in the school system as of the date of court approval of this Order.** Compliance with this requirement shall be deemed met by the plaintiffs and the court upon a showing that the school board has taken good faith measures to implement the requirements for the recruitment and retention of black certified teachers in **Attachment “F”** to this Order including the implementation of programs to assist teachers with the certification process.

QUALITY OF EDUCATIONAL EXPERIENCE

21. To the extent practicable, with the exception of magnet program schools, the school district will undertake steps to assure an equal assignment, on a percentage basis, of certified teachers in each regular and comprehensive school. Compliance with this requirement is anticipated to be achieved by the conclusion of **School Year 2011-2012** and thereafter shall be reviewed every other year to assure continuing compliance to the extent practicable. This requirement exclusively addresses the quality of the educational experience of students in the school system.

22. To the extent practicable, the school district will undertake steps to assure an equal assignment, on a percentage basis, of teachers holding post-graduate degrees and specialist certificates in each magnet and regular and comprehensive school. Compliance with this requirement in regular and comprehensive schools is anticipated to be achieved by the conclusion of **School Year 2011-2012** and thereafter shall be reviewed every other year to assure

continuing compliance to the extent practicable. This requirement exclusively addresses the quality of the educational experience of students in the school system.

23. With the exception of unforeseen events, the removal of a teacher for cause, or faculty reassignments that may occur as new schools provided for in this Order achieve operational status, faculty stability to promote a quality educational experience is an essential feature of the teacher assignment plan in this Order. Accordingly, once a teacher is assigned to a school's faculty he/she shall remain in such assignment for at least six school semesters.

24. The school district shall provide remedial enhancements at any school that is in school improvement or has been determined to be academically unacceptable.

25. The school district shall adopt and implement the parental and community involvement policy attached as Attachment "G" to this Order.

26. The school district in conjunction with the Chief Desegregation Plan Implementation Officer shall develop and implement a district-wide comprehensive program aimed at addressing, and ultimately preventing to the extent practicable, student complaints of racial harassment and/or discrimination. The program shall include, but not be limited to, the following: a) designation of a district-wide program coordinator (who may be the Chief Desegregation Plan Implementation Officer), as well as formal training for school-based coordinators at each school who shall receive and effectively respond to complaints of racial harassment and/or discrimination; b) develop a district-wide policy to address, and prevent to the extent possible, complaints of racial harassment and/or discrimination; c) develop and publish in each school's student handbook a school-wide, age-appropriate policy to address and prevent, to the extent practicable, student complaints of racial harassment and/or discrimination; d) use of, or supplementation of, the school district's curriculum to provide instruction to

students as to how to prevent instances of racial harassment and/or discrimination; and e) institute a plan for review by the school system of each complaint of racial harassment and/or discrimination to determine on an annual basis whether a systemic response or change in the district-wide, or individual school, policies are required to effectively respond to these complaints. **A copy of the school district's district-wide comprehensive program shall be furnished to the plaintiffs within 90 days of the entry of this Order. Any reasonable comments or suggestions by plaintiffs or the Court Compliance Officer shall be made within 20 days of actual receipt of the district-wide comprehensive program and shall be incorporated into the program.** A copy of the school district-wide comprehensive program shall also be furnished to the Court Compliance Officer within 90 days of the entry of this Order. In addition, the program shall not exclude, limit or usurp the role of the Court Compliance Officer in the investigation of complaints of non-compliance or racial discrimination pursuant to this Order.

In the event of disagreement among the parties as to the sufficiency of the district-wide comprehensive program, recourse may be made to the court.

27. The school district is committed to reducing the number of student drop-outs. In this regard, the school system shall devise a drop-out intervention program which shall:

(A). Provide preventive counseling and such other forms of intervention deemed feasible and appropriate for students who appear at-risk of dropping out of school.

(B). To the extent feasible in terms of the school district's human and financial resources, provide for follow-up services for non-returning students suspected of dropping-out (e.g., students withdrawing from a school where no request is received from another school for student transcripts) aimed at assisting them to satisfy alternative high school diploma requirements.

(C). Review special education course offerings to determine whether they address student needs in the sense of assuring, to the extent feasible, that special education course offerings are designed to place students with special education designations in a position to become employable upon completion of high school and/or eligible for post-high school training or other educational opportunities.

(D). Collect and compile statistical data on drop-outs at each middle, junior high, and high school for annual presentation to the school board. The annual report shall include the number of drop-outs for each school, the race of the student, the grade of the student, a description of any pre-drop-out intervention services, and a description of any follow-up, post drop-out services rendered by the school, if any. Where post drop-out services are performed by the school district as opposed to individual schools within the school system, a separate report shall be provided to the school board listing the name and race of the child and a description of the services provided. A copy of said report shall also be submitted to the Chief Desegregation Plan Implementation Officer.

28. Art and music classes will be offered in each elementary school for the enhancement and enrichment of elementary school students.

RESOURCE ALLOCATION

29. **The school district shall adopt and implement the resource allocation policy attached as Attachment “H” to this Order.**

FACILITIES

30(A). **The school district shall take affirmative steps to eliminate any remaining vestiges of prior *de jure* segregation at its historically and/or racially identifiable black schools addressed in this paragraph.** For purposes of this Order, these schools are comprised

of the following: Kentwood High School, O. W. Dillon Elementary School, Woodland Park Early Learning Center, Roseland Elementary School, Amite Elementary School, Amite High School, West Side Middle School, Hammond High School, Hammond Junior High School, Hammond Eastside Upper and Lower Elementary School, Hammond Westside Upper and Lower Elementary School, Woodland Park Elementary School, Independence Elementary School, and Independence Middle School.

30(B). The school district has conducted an evaluation and review of the facilities needs at the abovementioned schools and all other school facilities and developed a plan to address facilities needs (hereinafter referred to as the “Comprehensive Assessment”) in the areas of school replacement, roofs, heating and air conditioning systems, plumbing and restroom facilities, window treatments, equipment, and other needs.

The Comprehensive Assessment shall be implemented by the school district. The Comprehensive Assessment is attached as **Attachment “I”** to this Order.

31(A). Court approval shall be required for (i) the construction of a new school not otherwise authorized herein, (ii) improvements to a school resulting in an addition to its physical plant, and (iii) expansions to the capacity of a school not otherwise provided for in the Comprehensive Assessment.

31(B). Court approval shall be required for repairs to existing school facilities not otherwise contained in the Comprehensive Assessment where the cost of the repair exceeds one hundred twenty-five thousand dollars. Upon the filing of a motion by the school board petitioning the court for approval of a repair exceeding one hundred twenty-five thousand dollars, plaintiffs shall interpose any objection they may have within 15 days of the date of service of the motion.

ADMINISTRATION/IMPLEMENTATION

32. **The Chief Desegregation Plan Implementation Officer shall coordinate and oversee all aspects of this Order, including all aspects regarding implementation of the magnet programs provided for herein.** The Chief Desegregation Plan Implementation Officer shall, with the exception of extraordinary circumstance transfer requests, review and approve or disapprove all transfer requests provided for in this Order. The Chief Desegregation Plan Implementation Officer position shall be a full-time position until such time as it is modified by the court upon motion of the school district. Within the school system, the Chief Desegregation Plan Implementation Officer shall be under the direct supervision of the superintendent of schools and report directly to, the superintendent of schools and the Court Compliance Officer. A description of the duties and responsibilities of the Chief Desegregation Plan Implementation Officer is attached as **Attachment “J”** to this Order. The school system shall supply the staff and tools necessary for the Chief Desegregation Implementation Officer to perform the duties as outlined in this Order and in Attachment “J”.

33. **The Court Compliance Officer shall ensure compliance with the orders of the court.** The Court Compliance Officer shall be independent of the school system and plaintiffs and shall report directly to the court. The Court Compliance Officer, as appointed by the court, shall serve at the court’s pleasure and may only be removed by an order entered by the court.

The Court Compliance Officer shall review and assure that the school district implements the provisions of this Order, collaboratively work with and provide assistance to the Chief Desegregation Plan Implementation Officer, offer suggestions to the school district as to possible methods or procedures which might be implemented to further enhance desegregation aims, and prepare an annual report to the parties and the court as to the progress of the school district’s

implementation of each of the provisions of this Order. The initial annual report shall be filed on July 1, 2010, and thereafter on each such following date of each succeeding calendar year during the period this Order, or any portion of it, shall remain in force and effect. Fees of the Court Compliance Officer shall be paid by the school district in an amount not less than \$36,000.00 per year. The duties and responsibilities of the Court Compliance Officer are attached as **Attachment “K”** to this Order. The school system may reveal privileged and confidential information to the Court Compliance Officer, if required, to perform the duties outlined in this Order or in Attachment “K” of this order. The Compliance Officer shall keep such information confidential in the same manner and under the same conditions as required by the school system.

34. The Teacher Recruitment Assistance Committee shall assist the school district in its efforts to hire highly qualified and qualified teachers. The Teacher Recruitment Assistance Committee shall make special efforts to assist the school district in its efforts to hire qualified minority teachers. The Chief Desegregation Implementation Officer shall be an ex-officio member of the committee and be notified of all meetings and actions of the committee.

The composition, method of selection, and the duties and responsibilities of the Teacher Recruitment Assistance Committee are attached as **Attachment “L” to this Order.**

REPORTING/MONITORING

35. The school district shall continue to submit to the court, the Court Compliance Officer, and the plaintiffs all reports currently required under existing orders of the court in this case.

36. Within 90 days of receipt of the court compliance officer’s annual report provided for in Paragraph 33 of this Order, counsel for plaintiffs shall submit a written report to the school district identifying any area or areas of material non-compliance by the

school district with any of the provisions of this Order, if any are deemed to have occurred. If a report of material non-compliance is timely submitted by plaintiffs to the school district, a copy of the report shall be concurrently filed with the court.

In the event a written report of material non-compliance is timely submitted by plaintiffs, the school district shall either undertake corrective action during the next school year or submit to plaintiffs a response report contesting any area or areas of asserted material non-compliance contained in the report submitted by plaintiffs. A copy of the school district's response report shall be concurrently filed with the court and the Court Compliance Officer.

Where the school district undertakes corrective action in response to an area or areas of material non-compliance, the nature of the corrective action shall be described in writing and submitted to plaintiffs and the Court Compliance Officer, together with an implementation schedule for the coming school year. If the school district submits a corrective action report to plaintiffs, a copy of it shall be concurrently filed with the court. At the conclusion of the school year in which corrective action is taken, a report detailing the action shall be submitted to plaintiffs, the Court Compliance Officer, and filed by the school district with the court not later than July 1. Thereafter, plaintiffs shall, within 90 days of receipt of the report on the corrective action, respond in writing advising the school district and the court as to whether the corrective action is deemed to have brought the school district into compliance with this Order. In the event of disagreement among the parties as to whether the corrective action is sufficient to effect compliance with this Order, the school district may resort to the court for a declaration as to whether the corrective action taken was sufficient to effect compliance with this Order.

Where the school district submits a response report contesting an area of material non-compliance contained in a report of material non-compliance submitted by plaintiffs or the Court Compliance Officer, either plaintiffs, the school district, or the Court Compliance Officer may resort to the court for a declaration as to whether the school district is, or is not, in material non-compliance with an area or areas of this Order.

In the event a report of material non-compliance is not timely submitted by plaintiffs, such omission to timely submit the report of material non-compliance shall serve as a conclusive presumption of material compliance by the school district as to all provisions of this Order for the preceding year covered in the Court Compliance Officer's annual report.

A conclusive presumption of material compliance by the school district for the preceding year also shall attach to those provisions of this Order not specifically addressed by plaintiffs as an area or areas of material non-compliance where a report of material non-compliance is submitted.

A conclusive presumption of material compliance by the school district shall further attach with respect to a failure by plaintiffs to timely submit and file a written response to a school district report on corrective action taken in response to a prior year's report of material non-compliance by plaintiffs.

RETENTION OF PRIOR COURT ORDERS

37. With the exception of prior court orders expressly referenced or retained herein, all prior orders of the court that are inconsistent or in conflict with the provisions of this Order are hereby modified to conform to the provisions of this Order.

TERMINATION OF ORDER

38. With respect to teacher and student assignments, this Order shall expire at the conclusion of the third school year following the date of initial operational status of the three new elementary schools in Attachment "A" that are listed as essential to implementation of the student assignment plan. At such time, the school board shall bring forward a motion to end this lawsuit with respect to the same and demonstrate therein its substantial compliance with the provisions of this Order related to teacher and student assignments. Plaintiffs may either join in the motion, interpose no objection thereto, or interpose an objection. In the event the court should determine that the school system is in substantial compliance with the said provisions of this Order relating to teacher and student assignments, it shall enter judgment dissolving the Order provisions related to teacher and student assignments, terminating judicial supervision over them, and return control over the operations of the school system to the Tangipahoa Parish School Board in the areas of teacher and student assignments. In the event the court should determine that the school system is not in substantial compliance in these areas, it may either extend a portion or portions of said order where compliance has not been met, formulate remedies sufficient to bring the school system into compliance with the Constitution, or take such other action as it deems necessary.

Nothing in the above paragraph shall preclude the school board from bringing forward a motion for partial unitary status in areas other than teacher and student assignments at such times as the school board deems that the school system is in compliance. Plaintiffs may either join in such motions, interpose no objection thereto, or interpose an objection. In the event the court should determine that the school system is in substantial compliance with the particular provision(s) or area(s) of this Order, it shall enter judgment dissolving such provision(s) or

area(s) of this Order, terminating judicial supervision thereof, and returning control over such area of operation of the school system to the Tangipahoa Parish School Board. In the event the court should determine that the school system is not in substantial compliance, it may either continue such provision(s) or area(s) of this Order in force and effect or formulate additional remedies, or take such other action as it deems necessary.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that funding required to maintain the operation of the Hammond Accelerated Magnet Program for School Year 2011-2012 shall be made available from proceeds of the taxes provided for herein in Paragraph 1(B).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the school board shall take all legally required measures so as to place the tax propositions mentioned herein in Paragraph 1(B) on the ballot for a vote of the electors of the school district not later than April 2011.

New Orleans, Louisiana, this 4th day of March, 2010.



IVAN L.R. LEMELLE
UNITED STATES DISTRICT JUDGE