

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

**UNOPPOSED MOTION FOR COURT APPROVAL OF REPAIRS EXCEEDING
\$125,000 AND EXPANSIONS OF PHYSICAL PLANTS**

NOW INTO COURT, through undersigned counsel, comes Defendant Tangipahoa Parish School Board who, pursuant to Paragraph 31 (A) and (B) of the court's Order (R. Doc. No. 876), moves the court for the entry of an order authorizing the projects and expenditures listed below for the following reasons and those set forth in the concurrently filed memorandum in support:

1.

Certain improvements and physical plant expansions are need at Hammond High School. These consist of a) an expansion of the weight room to add locker rooms for girl's athletic programs as required by federal law; b) a covered walkway to the field house, tennis court, and practice gym for access during inclement weather; c) a new kitchen for the Prostart Program (the current kitchen is not of commercial quality and is inadequate for the number of students in the program); and d) new restrooms/concession stand at the school's baseball facility. The projected cost for the above mentioned projects totals \$1,889,526.

2.

New exterior doors are needed at Champ Cooper Elementary School. The existing exterior doors often cannot be secured. The projected cost for replacement of exterior doors is \$137,481.

3.

The present gymnasium bleachers at Kentwood High School pose a safety hazard and the gymnasium's roof is in need of replacement. The projected replacement cost for the bleachers and roof is \$484,421.

4.

The athletic track at Summer High School is in need of repair. Structural spray and labor costs are projected to amount to \$280,000.

5.

A replacement restroom is needed at Loranger Elementary School. The projected cost is \$143,000.

6.

A storage building is needed at Woodland Park Magnet School. The projected cost is \$22,300.

7.

A storage building is needed at Independence Elementary School. The projected cost is \$22,300.

8.

With the exception of funds to pay for the replacement roof at Kentwood High Magnet School, and the expansion of the girl's weight room, Pro-Start kitchen, and new

restroom/concession stand facility at Hammond High School, pay-as-you-go funds, derived from the school district's second one cent sales and use tax, will be used to pay for the above renovations and expansions to schools' physical plants. These expenditures will not adversely affect funding required for the ongoing construction of the new O. W. Dillon Elementary School, the construction of three new elementary schools, or needed renovations and/or new construction at Kentwood High School for the Career Education Center.

9.

Funds required for replacement of the gymnasium roof at Kentwood High School will be made available from a special school district fund established to address roofing needs. One hundred seven thousand three hundred fifty-seven (\$107,357) dollars of the \$356,933 required for the project will come from amounts in the Kentwood District balance in the roof fund. The remaining \$249,576 will be loaned from the combined school district roofing funds to the Kentwood District's roof fund to cover the project's cost.

10.

Funds required for the Hammond High Magnet School's girl's weight room expansion, the new Pro-Start kitchen, and the new restroom/concession stand building for the baseball facility will come from the proceeds obtained from the sale of Hammond District property and pay-as-you-go funds. One million five hundred fifty-two thousand one hundred ninety-two (\$1,552,192) dollars of the total required for the projects will be from the proceeds of the property sale and the remaining amounts will come from pay-as-you-go funds.

11.

Undersigned counsel represents that plaintiffs interpose no objection to the relief sought herein. On October 31st Mr. James Gray advised that plaintiffs will not oppose this motion.

WHEREFORE, Defendant Tangipahoa Parish School Board prays for the entry of an order authorizing the abovementioned projects and projected expenditures.

By Attorneys,

s/ Charles L. Patin, Jr.

Charles L. Patin, Jr. (La. Bar # 10338)

KEAN MILLER LLP

II City Plaza

400 Convention Street, Suite 700

Post Office Box 3513 (70821-3513)

Baton Rouge, LA 70802

Telephone: 225-387-0999

E-mail: charlie.patin@keanmiller.com

s/ Ashley E. Sandage

Ashley E. Sandage (La. Bar # 24364)

CASHE, COUDRAIN & SANDAGE

106 South Magnolia Street

Post Office Drawer 1509

Hammond, LA 70404-1509

Telephone: 985-542-6484

E-mail: aes@ccsattorneys.com

Attorneys for Tangipahoa Parish School Board

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2011, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Charles L. Patin, Jr.
Charles L. Patin, Jr.

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**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION FOR COURT APPROVAL
OF
REPAIRS EXCEEDING \$125,000 AND EXPANSIONS OF PHYSICAL PLANT**

MAY IT PLEASE THE COURT:

Paragraph 31 (A) of the court's Order (R. Doc. No. 876) (the "Order") mandates court approval for "improvements to a school resulting in an addition to its physical plant[.]" Paragraph 31 (B) of the Order mandates court approval "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." In conformity with the Order the present motion is before the court.

Hammond High School – The projected cost for the following projects at Hammond Magnet High School is \$1,889,526.

Expansion of girls' locker room: 20 USC §1681 prohibits discrimination based upon sex under any education program or activity receiving federal financial assistance. The proposed expansion of the weight room to add locker rooms for girl's athletic programs is required under Title IX of the Education Act Amendments of 1972 to bring girl's athletic facilities in line with such facilities provided at the school for boy's athletic programs.

Covered walkway: Presently the walkways to the field house, tennis court, and practice gym are uncovered. A covered walkway is proposed to afford protection for students and teachers during inclement weather.

Pro-Start kitchen: The existing facility is not of commercial quality and it is inadequate for the number of students participating in the program. It is proposed that a new commercial grade kitchen be constructed with expanded area to accommodate students participating in the program. Currently 43 students are enrolled in Pro-Start of which 10 are black and 33 are white.

Baseball facility upgrades: New restrooms and a concession stand are proposed for the school's baseball field. Currently there are no restroom facilities at the baseball field.

Champ Cooper – The projected cost for new exterior doors is \$137,481. The existing doors cannot be secured at times and can no longer be repaired.

Kentwood Magnet High School – The projected cost for the following projects is \$484,421.

The current gym bleachers are no longer easily operable and due to age are in overall poor condition. The gym roof is in need of replacement.

Sumner High School – The projected cost for resurfacing the field track is \$280,000. The track is in need of structural spray.

Loranger Elementary School – The projected cost of construction of new restrooms is \$143,000. The current restroom are substandard.

Woodland Park Magnet School and Independence Elementary School – The projected cost for construction of a storage building for each school is \$22,300. Both schools are in need of additional storage space.

Payment for proposed projects – With the exception of funds to pay for the replacement of the roof on the Kentwood Magnet High School gym, and the expansion of the girl's weight room

and lockers, a new Pro-Start kitchen restrooms/concession stand facility at Hammond Magnet High School, pay-as-you-go funds, derived from the school district's second one cent sales and use tax, will be used to pay for the above renovations and expansions to schools' physical plants. These expenditures will not adversely affect funding required for the ongoing construction of the new O. W. Dillon Elementary School or the three new elementary schools required for implementation of the student assignment plan in the court's Order (R. Doc. No. 876), or needed renovations and/or new construction at Kentwood Magnet High School for housing the Central Education Center.

Funds required for replacement of the gym roof at Kentwood Magnet High School will be made available from a special school district fund established to address roofing needs. One hundred seven thousand three hundred fifty-seven (\$107,357) dollars of the \$356,933 required for the project will come from amounts in the Kentwood District balance in the roof fund. The remaining \$249,576 will be loaned from the combined school district roofing funds to the Kentwood District's roof fund to cover the project's cost.

Funds required for the Hammond High Magnet School's girl's weight room expansion, the new Pro-Start kitchen, and the new restroom/concession stand building for the baseball field will come from the proceeds of a land sale of property in the Hammond District and pay-as-you-go funds. One million five hundred fifty-two thousand one hundred ninety-two (\$1,552,392) dollars of the total required for the projects will be from proceeds of the property sale with the balance being funded by pay-as-you-go dollars.

WHEREFORE, Defendant Tangipahoa Parish School Board prays for the entry of an order authorizing the abovementioned projects and projected expenditures.

By Attorneys,

s/ Charles L. Patin, Jr.
Charles L. Patin, Jr. (La. Bar # 10338)
KEAN MILLER LLP
II City Plaza
400 Convention Street, Suite 700
Post Office Box 3513 (70821-3513)
Baton Rouge, LA 70802
Telephone: 225-387-0999
E-mail: charlie.patin@keanmiller.com

s/ Ashley E. Sandage
Ashley E. Sandage (La. Bar # 24364)
CASHE, COUDRAIN & SANDAGE
106 South Magnolia Street
Post Office Drawer 1509
Hammond, LA 70404-1509
Telephone: 985-542-6484
E-mail: aes@ccsattorneys.com

Attorneys for Tangipahoa Parish School Board

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2011, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Charles L. Patin, Jr.
Charles L. Patin, Jr.

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JUDGE: IVAN L. R. LEMELLE

ORDER

Considering the foregoing "Unopposed Motion for Court Approval of Repairs Exceeding \$125,000 and Expansions of Physical Plant,

IT IS ORDERED court approval is hereby granted to Defendant Tangipahoa Parish School Board for the following projects and the projected expenditures for them from the funding sources listed in the above referenced motion: a) an expansion of the weight room to add locker rooms for girl's athletic programs, a covered walkway to the field house, tennis court, and practice gym, a new kitchen for the Pro-Start program, and new restrooms/concession stand for the baseball field at Hammond Magnet High School at a projected cost of \$1,889,526; b) new exterior doors at Champ Cooper Elementary School at a projected cost of \$137,481; c) new gym bleachers and roof replacement at Kentwood Magnet High School at a projected cost of \$484,421; d) structural spray for the athletic track at Sumner High School at a projected cost of \$280,000; restroom replacement at Loranger Elementary School at a projected cost of \$143,000; e) a storage building at Woodland Park Magnet School at a projected cost of \$22,300; f) a storage building at Independence Elementary School at a projected cost of \$22,300.

New Orleans, Louisiana, this ____ day of _____, 2011.

IVAN L. R. LEMELLE, JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA