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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **DESOTO PARISH SCHOOL BOARD,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**C.A. No. 67-CV-12589**

**CONSENT DECREE**

**I. BACKGROUND**

This matter is before the Court at the request of Plaintiff, United States of America, and Defendant, DeSoto Parish School Board (the "Board" or "District").

The Board is operating under a January 30, 1970 desegregation order that was modified by orders entered in 1970, 1979, 1980, 1981, 1986, 1989, and 1992. The desegregation orders and applicable federal law require the Board, inter alia, to eliminate the vestiges of discrimination, to the extent practicable, in student assignment, faculty/staff assignment, extracurricular activities, transportation, and school construction and site selection.

On September 24, 1986, the Court approved the Board's motion seeking authorization to close Stonewall Elementary School and Second Ward Elementary School, and to build a new elementary school in District No. 2 to be known as North DeSoto Elementary School (K-6). Students in grades 7-12 attended North DeSoto High School. Because of rapid growth in District No. 2 and school overcrowding caused by such growth, the Board filed a motion in 1992 seeking

authorization to build a new middle school to serve the students in that district. Without opposition from Plaintiff, the Court approved such motion on December 29, 1992 and ordered that, in District No. 2, the schools to be operated by the Board would be North DeSoto Elementary School (K-4), North DeSoto Middle School (5-8), and North DeSoto High School (9-12).

In August 2003, the United States began a review of the Board's compliance with its desegregation orders and applicable federal law. Since that time, the United States has communicated with the Board regarding its desegregation-related efforts, reviewed documents provided by the Board, and met with school district personnel. After completing its review, the United States informed the Board in November 2003 that it had concerns regarding the intra-district student transfer policy.

In June 2004, the Board notified the United States of its desire to construct additional school facilities in the north part of the parish ("District No. 2") to: (1) address overcrowding in schools there; (2) eliminate the need for temporary buildings; and (3) plan for anticipated growth (estimated to be 20% in next three years) in the area. The construction program called for expansion of facilities at the existing elementary school and conversion of that school to a PreK-2 facility, reconfiguring the grade structure at the existing middle school from 5-8 to 3-5, construction of a new middle school (6-8) on the same site as the existing North DeSoto schools, and continuation of the high school (9-12). The voters in District No. 2 already approved the additional taxes which would be needed for such construction program subject to approval of such program by this Court. The Board asked the United States to consent to such construction so that an unopposed motion seeking authority to implement the construction program could be filed with the Court. The United States responded that it would not consent to the new construction program unless agreement could be

reached on changes to the student transfer policy.

In an effort to address the concerns of the United States about the student transfer policy and the concerns of the Board about the need for new school construction without the need for costly litigation, the United States and the Board have engaged in good faith negotiations and have agreed to the desegregation measures and relief detailed in this Consent Decree. By entering into this Consent Decree, the Board does not admit violation of any existing Court order nor does it admit any liability or wrongdoing on its part.

## **II. STIPULATED FACTS**

DeSoto Parish is a large, predominantly rural parish located immediately south of Caddo Parish (Shreveport). Many DeSoto Parish residents work in Caddo Parish. The District serves approximately 4,967 students in eleven schools in five attendance zones approved by the Court: Logansport, North DeSoto, Stanley, Mansfield, and Pelican. Students who live in each of those zones attend the school(s) in that zone unless they have been approved for transfer to other schools. Student enrollment data for the 2005-06 school year was as follows:

**Student Assignment  
2005-06 School Year<sup>1</sup>**

<b>School</b>	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
Logansport E.S. (PreS, PreK, K-6)	180 (44%)	217 (53%)	13 (3%)	410
Logansport H.S. (7-12)	153 (47%)	159 (49%)	12 (4%)	324
North DeSoto E.S. (PreK-4)	189 (26%)	532 (72%)	18 (2%)	739
North DeSoto M.S. (5-8)	138 (27%)	353 (70%)	13 (3%)	504
North DeSoto H.S. (9-12)	143 (30%)	335 (69%)	6 (1%)	484
Stanley H.S. (K-12)	51 (13%)	329 (86%)	4 (1%)	384
Mansfield E.S. (PreK-5)	905 (86%)	128 (12%)	19 (2%)	1052
Mansfield M.S. (6-8)	393 (91%)	31 (7%)	7 (2%)	431
Mansfield H.S. (9-12)	359 (87%)	50 (12%)	6 (1%)	415
Pelican All-Sts. H.S. (PreS, PreK, K-12)	156 (84%)	28 (15%)	2 (1%)	186
DeSoto Alternative (3-12)	37 (97%)	0 (0%)	1 (3%)	38
<b>Total</b>	<b>2704 (54%)</b>	<b>2162 (44%)</b>	<b>101 (2%)</b>	<b>4967</b>

**Student Transfers**

The Board has granted numerous transfers over the years. For example, during the 2005-06 school year, the Board granted a total of 275 transfers of which approximately 71% (196) were white students. Of the 196 transfers, 61% (119) were white students who requested to transfer into the North DeSoto school zone. Of the 119 white students, 74% (88) reside in the Mansfield and Logansport school zones, and 24% (29) reside outside the school district. Out of the 275 total transfers, almost 70% (186) were granted based on "employee transfer," "childcare," and "hardship" reasons.

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<sup>1</sup> Source: Board Report (filed Mar. 14, 2006).

During the 2004-05 school year, the Board granted a total of 234 transfers and 74% (174) of the transfers were based on "hardship."<sup>2</sup> 78% (136) of the "hardship" transfers were granted to students who requested to attend schools in the North DeSoto and Stanley school zones. Approximately 38% (51) of the students who transferred to those schools reside in the Mansfield school zone.

In the 2003-04 school year, the Board granted a total of 294 transfers and 80% (235) of the transfers were based on hardship. 67% (158) of the "hardship" transfers were granted to students who requested to attend schools in the North DeSoto and Stanley zones. Approximately 32% (50) of the students who transferred to those schools reside in the Mansfield school zone.

Based on the transfer applications, a significant number of white students were granted transfers to the North DeSoto and Stanley school zones for "hardship" reasons. For example, during the 2003-04 school year, the Board allowed 181 white students (80% of the entire pool of transfer applicants) to transfer based on "hardship" reasons. On further examination of the 2003-04 transfer applications that were provided by the Board, the majority of the "hardship" transfers were categorized by the United States into three groups: (1) students whose parents are employees of the DeSoto Parish School System and live within other student attendance zones within the district (intra-district); (2) students whose parents are employees of the DeSoto Parish School System, but who reside in another school district (inter-district); and (3) students whose parents have work-related issues, but are not employed by the school district.

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<sup>2</sup> The orders issued by the Court in this case to date have not specifically authorized student transfers to facilitate before and after school child care. Some of the "hardship" transfers approved by the District in the past have been related to "child care" situations. This Consent Decree will correct that situation by specifically authorizing child care transfers under certain circumstances.

Furthermore, the Board granted approximately 29 transfers to white students who requested to attend Stanley High School for “medical” reasons. 45% (13) of those students reside in the Mansfield school zone. It is the United States’ position that a significant number of these transfer applications do not show a direct linkage or rational relationship between the medical diagnosis and the placement of the student in the transferee school.

### **Majority-to-Minority Transfers**

After discussions with the United States, the Board agreed to revise its student handbooks to include a description of the Board’s policy regarding the Majority-to-Minority (“m-to-m”) transfer program and a statement that “transportation will be provided to students who opt for such transfers.” However, the United States contends that the policy (with the exception of one school) currently states, “Student(s) may request a Majority-to-Minority Transfer to another school when the following conditions are met: . . . Space is available at the school being requested [and] [s]tudent has transportation available to and from the requested school (may be reimbursed for travel to requested school).” The Board denies that its policy so states or that any student was denied a m-to-m transfer because of lack of space or unavailability of transportation. It is the United States’ position that the Board failed to properly publicize that if an eligible student participates in the m-to-m program, space will be made available in the transferee school and free transportation will be provided for the students.

### **III. STUDENT TRANSFER RELIEF**

The Board shall ensure that its student transfer policies and practices are consistent with applicable school desegregation law, shall operate the school district in a non-discriminatory manner, shall strictly enforce attendance zone lines, and shall follow the provisions set forth below:

- A. Beginning with the 2007-08 school year and for each school year thereafter, all

students seeking to enroll in the District shall be required to register at the school to which they are assigned, as mandated by the prior desegregation orders entered in United States v. DeSoto Parish School Board. Pursuant to the procedures and requirements set forth in paragraph C below, the Board shall verify the residency of each student.

B. Each student entering the District for the first time (or reentering after interrupted attendance) shall be required to verify his or her residence address as part of the registration process.

C. Each student identified must establish his or her residence.

1. The parent(s) of a student seeking to enroll must provide the school with at least two (2) of the bulleted items listed below as verification of their address, except that any document with a post office box as an address shall not be accepted:

- Property tax records which indicate the location of the homestead;
- Mortgage documents or property deed;
- Apartment or home lease or notarized statement of the verified property owner identifying himself/herself as the property owner, describing the property, the term of the lease, and identifying the leaseholder;
- Current utility bill showing residence address;
- Driver's license;
- Voter precinct identification;
- Automobile registration;

- Affidavit and/or personal visit by a designated school district official; and,

In the case of a student living with a legal guardian;

- A court decree declaring the parish resident to be a legal guardian of the student.

2. Students living with custodians other than parents or legal guardians:

- The non-parental custodian claiming parish residency must meet the criteria of paragraph 1 above, required of a parent or legal guardian.
- The parish resident must provide the Board with a notarized document stating his/her relationship to the student, and that the student will be living in his or her home for a period of time encompassing the entire upcoming school year, and fully explaining the reason(s) (other than school attendance zone or parish preference) for this arrangement.

D. Beginning with the 2007-08 school year and for each school year thereafter, no inter-district or intra-district transfer shall be permitted other than those approved by the Transfer Committee (composed of three members, one of whom shall be the Supervisor of Child Welfare and Attendance, the remaining two members shall be persons employed at the building principal level or above). The decision of the Transfer Committee shall be final and without appeal to the Board. Pursuant to this provision, no transfer shall be approved unless the student seeking the transfer establishes one of the following reasons:

1. Specialized academic, vocational, or special education curriculum not offered in the school or district of residence. For an inter-district transfer, the Superintendent of the sending district shall be required to submit to the Superintendent of the receiving district a notarized statement verifying the unavailability of the specific curriculum in the district of residence. For an



intra-district transfer, the principal and designated administrator(s) of the sending school must sign a statement verifying the unavailability of the specific course(s) and the necessity of the student's transfer to take the course(s). A list of the students granted transfers for the 2007-08 school year under this provision shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.

2. Graduating student who moves during the school year of anticipated graduation. A graduating student may be granted a transfer to graduate from his/her previous school if the student moves during the school year of the targeted graduation date. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.
3. Health of the student. If the health of the student is in jeopardy, a letter from a medical doctor certifying the condition of the student and describing the necessity prompting the transfer request, as well as describing how the transfer will resolve the health problem, shall be required to verify the health

purpose. The Transfer Committee may require a letter/report from a second medical doctor or further verification of the need for the transfer. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.

4. Safety of the student. If the safety of the student is in jeopardy, a statement signed by the designated administrator(s) of the sending district and school, setting forth the potential harm to the student and describing the necessity prompting the transfer request and how the transfer will alleviate the situation, shall be required to verify the safety purpose. If the Transfer Committee approves the transfer, the designated administrator of the sending district shall be notified. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.
5. Children of district employees. Children enrolled in grades K-12 of full-time

school district employees, who are verified as actually living with said employees as required by paragraph C.1. of this Order, may be granted a transfer to the school zone in which the employee is assigned. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.

6. Majority-to-Minority ("m-to-m") Transfers. A student attending a school where his/her race is in the majority may elect to attend a school where his/her race is in the minority. A m-to-m transfer shall be effective for the student's entire matriculation at the receiving school or until the student notifies the Transfer Committee of an intent to return to the original home school. All requests to return to the home school shall be received by the Transfer Committee, on an annual basis, on or before June 1. Students who transfer pursuant to this section shall be immediately eligible to participate on athletic teams at the schools to which they transfer. All m-to-m transfer students shall be provided free transportation by the District. The Board shall include a detailed explanation of the m-to-m transfer policy in all student handbooks including a statement that, if a student is eligible and elects for such a transfer, space shall be made available in the receiving school and free

transportation shall be provided to that student. The Board shall publish and distribute to all students an addendum to the current student handbooks, which includes the revised m-to-m policy. The Board shall include the revised m-to-m policy in the 2007-08 student handbooks and all handbooks thereafter. The Board shall send letters to all parents in the school district with a detailed explanation of the revised m-to-m transfer policy by March 1, 2007.

7. Child Care. Transfers based on child care needs for students in K to 8th grade may be granted if the parent/guardian can demonstrate all of the following:

- The parent/guardian cannot provide care due to their work hours or can provide care only at their place of work, as confirmed by a signed, dated letter(s) from their employer(s);
- The parent/guardian tried, but cannot obtain child care in the assigned school zone, unless the caretaker is the parent/guardian or an immediate relative of the student who can provide care only at the relative's residence;
- The location where the child care is to be provided is verified (as required under III.C. above) to be within the zone of the desired school; and,
- The student cannot obtain transportation from the assigned school to the location where the child care is to be provided.

A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.

8. **Extracurricular Activities.** Transfer requests to allow participation in extracurricular activities shall be restricted to participation in football and/or band. Transfers of white students under this provision shall be limited to attendance at Mansfield High School. Transfers of black students under this provision shall be limited to attendance at Logansport High School or North DeSoto High School. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.
9. **Hardship Transfers.** There are some situations which do not fall within any of the student transfer provisions mentioned above, but where the parent(s) or guardian(s) of a student feel that there are extenuating circumstances warranting the transfer of that student. The parent(s) or guardian(s) can request such a transfer when: (1) their child is subjected to the hardship (not

the hardship of the parent(s) or guardian(s)) and (2) the hardship is not a mere inconvenience to the student or the student's parent(s) or guardian(s). The Transfer Committee shall review the request and any supporting documentation, and the Transfer Committee has the right to request additional documentation relative to the need for the transfer. A list of the students granted transfers under this provision for the 2007-08 school year shall be submitted to the United States by June 30, 2007 and annually thereafter. The list will include the name, race, and grade of each student granted a transfer, the basis for the transfer, the names of the sending and receiving schools, and the names of the sending and receiving school parishes.

- E. No intra-district transfer shall be approved unless the Transfer Committee has analyzed the effect of such transfer on the sending and receiving schools and determined that the transfer will not impede desegregation at either school and/or reinforce a perception that a particular school is intended for white or black students.
- F. No inter-district transfer shall be approved unless the Transfer Committee has analyzed the effect of such transfer on the school in the resident district and the school that the student seeks to attend, and has determined that the transfer does not impede desegregation in either district or affected school. The failure of the sending district school board to cooperate with the Transfer Committee in providing the necessary information shall be a basis for denying the requested transfer.
- G. The Board may provide transportation only to those intra-district transfer students

who have been verified as being properly enrolled in the school district.

- H. If any student is found to be enrolled in a school or the District contrary to the provisions set forth herein, the Board shall immediately notify the student and his or her parent(s) or legal guardian. Notification shall state that the student or his/her parent(s) or guardian shall have a period of ten (10) days from the date of the notice to provide verification of residency or reasonable basis as set forth herein. If the required verification is not provided to the Superintendent within such period, the Board shall immediately withdraw the student and notify his/her parent(s) or guardian(s) that the student is being denied enrollment pursuant to this agreement.
- I. All intra- and inter-district transfers except m-to-m transfers shall be effective for one year only and must be reconsidered and approved by the Transfer Committee for each succeeding year. All transfer requests must be received by the Transfer Committee on or before June 1 to be eligible for consideration. Pursuant to exigent circumstances, the Transfer Committee may suspend the June 1 filing deadline.
- J. The Board, its Superintendent, and each school principal shall have a continuing obligation to monitor student enrollment and to ensure that no unlawful intra- or inter-district transfers are permitted and that all attendance zones are enforced.
- K. The parties recognize that no school is currently in corrective action or subject to the school choice transfer option under the "No Child Left Behind Act" (NCLB). However, should any school become subject to the NCLB school choice transfer provision during the duration of this Consent Decree, the parties agree that, because of the constitutional basis for the extant desegregation orders, any NCLB-related

transfer request shall be considered an intra-district transfer request subject to this Consent Decree and, therefore, may only be granted by the District if the transfer would have no adverse desegregative impact on the sending and receiving schools. Exemptions may be obtained through proper application to this Court.

#### **IV. MODIFICATION OF REPORTING REQUIREMENT**

This Consent Decree modifies the reporting requirement for the October 15 and March 15 reports insofar as the student transfer information in the report will include the student's name, race, grade, basis for the transfer, sending and receiving schools, and sending and receiving school districts.

#### **V. APPROVAL OF NEW CONSTRUCTION**

In light of the Board's approval of the terms and obligations imposed on it through this Consent Decree, the United States withdraws any objections or opposition it might have relative to the plans of the Board for school construction/renovation in the north part of DeSoto Parish and consents to the issuance of a Court order approving same. The Court authorizes construction by the Board of a new middle school facility on the same site as the existing North DeSoto school and renovations to the existing elementary school. After the new middle school is completed and placed into service by the Board, North DeSoto Elementary School will serve grades PreK-2, the current North DeSoto Middle School facility will serve grades 3-5, the new North DeSoto Middle School facility will serve grades 6-8, and North DeSoto High School will continue to serve grades 9-12. The attendance zone for North DeSoto Schools (District No. 2) shall remain the same.



## **VI. SCOPE AND DURATION OF CONSENT DECREE**

A. This Court shall retain jurisdiction for three years after the entry of this Consent Decree, at which time the Decree shall expire and the Board shall be deemed to be in partial unitary status in the area of student transfers. Prior to the expiration of the Decree's term, the United States may move the Court to extend the duration of the Decree for good cause, including on the basis that the Board has failed to comply with a provision of the Decree.

B. The parties to this Consent Decree will endeavor in good faith to resolve informally any differences regarding the interpretation of, and compliance with, this Decree prior to bringing such matters to the Court for resolution. In the event that the Board either fails to perform in a timely manner any action required by this Decree or acts in violation of any provision of this Decree, the United States may move this Court to impose any remedy authorized by law or equity.

## **VII. CONCLUSION**

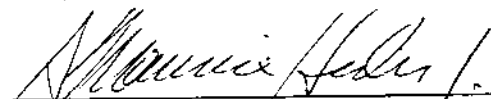
It is the determination of this Court that the actions embodied in this Consent Decree:

(1) comport with the Fourteenth Amendment to the Constitution of the United States of America and applicable federal law; (2) are reasonable, equitable, and appropriate to ensure that the practices and policies of the District comply with applicable federal law and the desegregation orders issued in this case; and (3) will further the orderly desegregation of the schools operated by the Board.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the plan set forth in Sections III, IV, V, and VI above be entered, announced, and implemented as appropriate steps for attaining compliance with the applicable federal law.

All parties hereto will have the right to seek enforcement of the provisions of this Consent Decree. This Court will retain jurisdiction to monitor compliance with the provisions of this and other Orders in this action. All previous Orders entered in this case that are not inconsistent with this Consent Decree remain in full force and effect.

**SO ORDERED**, this 5<sup>th</sup> day of February, 2007.

  
United States District Judge

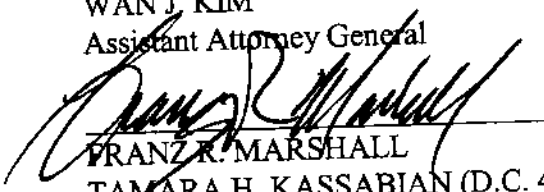
The signatures of the parties on this page indicate their consent to the terms of this agreement.

For Plaintiff United States of America:

DONALD W. WASHINGTON  
United States Attorney

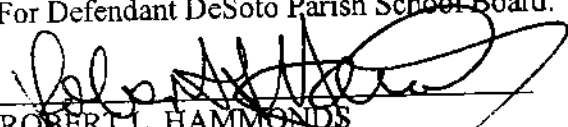
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