

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

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | No. 3:66-cv-12071 |
| |) | |
| v. |) | CHIEF JUDGE ROBERT G. JAMES |
| |) | |
| LINCOLN PARISH SCHOOL BOARD, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

SUPERSEDING CONSENT ORDER

This Superseding Consent Order arises out of the good faith efforts of Plaintiff United States of America (the “United States”) and Defendant Lincoln Parish School Board (the “Board”) to address and resolve the Board’s school desegregation obligations in its operation of the Lincoln Parish Schools (the “District”). This Consent Order is jointly entered into by the United States and the Board, and the parties agree to comply with its terms.

The Court, having reviewed the terms of this Consent Order, finds that it is consistent with the objectives of the Fourteenth Amendment to the United States Constitution and federal law, and will facilitate the orderly desegregation of the District. Thus,

IT IS ORDERED that the Joint Motion to Approve Superseding Consent Order [Doc. No. 53] is GRANTED.

IT IS FURTHER ORDERED as follows:

I. PROCEDURAL HISTORY

This school desegregation lawsuit was initiated by the United States on June 8, 1966. On August 1, 1969, the Court issued a decree (“1969 Decree”) approving a school desegregation plan

proposed by the Board, which was “designed to . . . disestablish the defendants’ dual system of schools based upon race.”¹ The Court “permanently enjoined [the Board] from discriminating on the basis of race or color in the operation of their Parish school system,” and ordered the Board to “take affirmative action to disestablish all school segregation and to eliminate the effects of the dual school system.”² The desegregation plan was subsequently modified by the Court’s August 5, 1970 Decree (“1970 Decree”). The Court ordered further modifications to certain provisions of the plan in the July 23, 1971 Consent Decree and an Order dated August 14, 2008.³

On November 13, 2009, the Court initiated discussions regarding the Board’s progress toward attaining unitary status. Since that date, the United States, with the cooperation of the Board, has undertaken a comprehensive review of the Board’s compliance with its obligations under the operative court orders in this case, including reviewing the Board’s annual court reports in this case, reviewing the Board’s responses to the United States’ various requests for information, and conducting a site visit of the District’s schools in April 2011. In a Status Report filed on May 24, 2011 (the “Status Report”), the United States reported on the results of its unitary status review with respect to the District’s schools, preliminarily identifying those areas in which the Board remained out of compliance with its desegregation obligations.⁴ The Board filed a

¹ 1969 Decree at 1.

² *Id.* at 1-2.

³ In a decision dated July 13, 1979, the Fifth Circuit permitted the addition of the laboratory schools operated by Louisiana Tech University and Grambling State University as defendants in this case. A Consent Decree approved by the Court on July 13, 1984 addressed the roles and obligations of the various parties with regard to the desegregation of the laboratory schools. The Board’s obligations regarding the laboratory schools, if any, are subject to ongoing proceedings before the Court and are not addressed or affected by this Consent Order.

⁴ Rec. Doc. 25.

response to the Status Report on September 15, 2011.⁵ The Board subsequently filed its October 2011 annual court report and produced other documents in response to the United States' requests.

Based on the foregoing, the United States has determined that, with respect to its operation of the District, the Board has satisfied the requirements for unitary status in the areas of faculty assignment, staff assignment, facilities, transportation, and extracurricular activities, and is entitled to a declaration of partial unitary status and partial dismissal of this case in those areas. The United States has further determined that the Board has not yet satisfied its obligations in the area of student assignment. This Consent Order is intended to (1) grant partial unitary status and dismiss this case in the areas of faculty assignment, staff assignment, facilities, transportation, and extracurricular activities, and (2) address and resolve the outstanding student assignment issues in the District.

II. LEGAL STANDARDS

The ultimate inquiry in determining whether a school district is unitary is whether the district has (1) fully and satisfactorily complied in good faith with the court's desegregation orders for a reasonable period of time; (2) eliminated the vestiges of prior *de jure* segregation to the extent practicable; and (3) demonstrated a good faith commitment to the whole of the court's order and to those provisions of the law and the Constitution which were the predicate for judicial intervention in the first instance.⁶ The Supreme Court has identified six areas, commonly referred to as the "Green factors," which must be addressed as part of the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual school system to the extent

⁵ Rec. Doc. 34.

⁶ See *Missouri v. Jenkins*, 515 U.S. 70, 88-89 (1995); *Freeman v. Pitts*, 503 U.S. 467, 491-92, 498 (1992); *Bd. of Educ. of Oklahoma City Pub. Sch., Indep. Sch. Dist. No. 89 v. Dowell*, 498 U.S. 237, 248-50 (1991).

practicable. These factors are: (1) student assignment; (2) faculty assignment; (3) staff assignment; (4) transportation; (5) extracurricular activities; and (6) facilities.⁷ A court may allow partial or incremental dismissal of a school desegregation case before full compliance has been achieved in every area of school operations, thereby retaining jurisdiction over those areas not yet in full compliance and terminating jurisdiction over those areas in which compliance was found.⁸

III. STIPULATED FACTS

A. Student Assignment

The 1969 Decree ordered the Board to adopt a desegregation plan “designed to . . . disestablish the defendants’ dual system of schools based upon race.”⁹ That plan, as modified by the 1970 Decree, made student assignment changes to disestablish the dual system of schools in each of the four geographic zones comprising the District: Choudrant, Dubach-Hico, Ruston, and Simsboro. The 1969 and 1970 decrees limited intra-district student transfers to three circumstances: (1) majority-to-minority transfers,¹⁰ (2) special needs transfers,¹¹ and

⁷ *Green v. Cnty. School Bd. of New Kent Cnty.*, 391 U.S. 430, 435-42 (1968); *Jenkins*, 515 U.S. at 88; *Dowell*, 498 U.S. at 250.

⁸ *Freeman*, 503 U.S. at 490-91.

⁹ 1969 Decree at 1.

¹⁰ “The school district shall permit a student attending a school in which [the student’s] race is in the majority to choose to attend another school where [the student’s] race is in the minority. All such transferring students are to be given priority for space and thus the transfer is not to be dependent on space being available. All such transferring students must be given transportation if they desire it.” 1970 Decree at 4.

¹¹ “Any student who requires a course of study not offered at the school to which [the student] has been assigned may be permitted, upon [the student’s] written application at the beginning of any school term or semester, to transfer to another school which offers courses for [the student’s] special needs.” 1969 Decree at 3.

(3) transfers to special classes or schools.¹² To the extent the Board consented to incoming or outgoing inter-district transfers, the 1970 Decree required that such transfers be granted on a non-discriminatory basis, and that they not be granted “where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.”¹³

In the 2011-2012 school year, the Board operated twelve schools in the four geographic zones listed above. Of the 5,687 students enrolled in the District, 49.3 percent are white, 46.7 percent are black, and 4.0 percent are another race. The 2011-2012 student demographics are set forth in Table 1 below.

| Table 1: Student Enrollment (2011-2012) | | | | | |
|--|--------------------------|---------------------|---------------------|-------------------|--------------|
| Zone | School | White | Black | Other | Total |
| Choudrant | Choudrant ES (K-6) | 389 (89.4%) | 30 (6.9%) | 16 (3.7%) | 435 |
| | Choudrant HS (7-12) | 288 (88.3%) | 32 (9.8%) | 6 (1.8%) | 326 |
| | <i>Zone-wide</i> | <i>677 (89.0%)</i> | <i>62 (8.1%)</i> | <i>22 (2.9%)</i> | 761 |
| Dubach-Hico | Hico ES (K-5) | 122 (61.0%) | 63 (31.5%) | 15 (7.5%) | 200 |
| | Dubach HS (6-12) | 74 (45.4%) | 79 (48.5%) | 10 (6.1%) | 163 |
| | <i>Zone-wide</i> | <i>196 (54.0%)</i> | <i>142 (39.1%)</i> | <i>25 (6.9%)</i> | 363 |
| Ruston | Cypress Springs ES (K-5) | 50 (10.9%) | 391 (85.0%) | 19 (4.1%) | 460 |
| | Glen View ES (K-5) | 352 (54.4%) | 255 (39.4%) | 40 (6.2%) | 647 |
| | Hillcrest ES (K-5) | 323 (71.0%) | 116 (25.5%) | 16 (3.5%) | 455 |
| | Ruston ES (K-5) | 22 (5.3%) | 384 (92.3%) | 10 (2.4%) | 416 |
| | I.A. Lewis ES (6) | 96 (33.2%) | 191 (66.1%) | 2 (0.7%) | 289 |
| | Ruston Jr. HS (7-8) | 229 (39.0%) | 341 (58.1%) | 17 (2.9%) | 587 |
| | Ruston HS (9-12) | 548 (48.4%) | 549 (48.5%) | 36 (3.2%) | 1133 |
| | <i>Zone-wide</i> | <i>1620 (40.6%)</i> | <i>2227 (55.9%)</i> | <i>140 (3.5%)</i> | 3987 |
| Simsboro | Simsboro School (K-12) | 310 (53.8%) | 225 (39.1%) | 41 (7.1%) | 576 |
| | <i>Zone-wide</i> | <i>310 (53.8%)</i> | <i>225 (39.1%)</i> | <i>41 (7.1%)</i> | 576 |
| District-wide | | 2803 (49.3%) | 2656 (46.7%) | 228 (4.0%) | 5687 |

¹² “If the defendants operate and maintain special classes or schools for physically handicapped, mentally retarded, or gifted children, the defendants may allow children to transfer to such schools or classes on a basis related to the function of the special class or school. Provided that no such transfers shall be made on the basis of race or color or in a manner which tends to perpetuate a dual school system based on race or color.” 1969 Decree at 3.

¹³ 1970 Decree at 5.

The Board operates the schools in the Choudrant, Dubach-Hico, and Simsboro zones in a single-grade structure, such that each of the schools in those zones serves a different range of grade levels. In the Ruston zone, the Board operates one school serving the sixth grade (I.A. Lewis Elementary School), one junior high school (Ruston Junior High School), and one high school (Ruston High School). Because all of these schools are operated in a single-grade structure, the Board operates those schools on a desegregated basis and in accordance with federal law and the operative court orders in this case.

Additionally, the Board operates four K-5 schools in the Ruston attendance zone. The seven (7) schools in the Ruston zone currently serve a total of 3,987 students, of whom 40.6 percent are white, 55.9 percent are black, and 3.5 percent are of another race. The United States determined that three of the four K-5 elementary schools currently have racially identifiable student populations. The United States determined that Cypress Springs Elementary School (85.0 percent black) and Ruston Elementary School (92.3 percent black) are racially identifiable black schools, with black student populations exceeding the zone-wide average by 29.1 and 36.4 percentage points, respectively. In contrast, the student population at the predominantly white Hillcrest Elementary School is 25.5 percent black, 30.4 percentage points below the zone-wide average. The United States also identified concerns regarding transfers of white students from majority-black to majority-white schools for reasons others than those permitted by the 1969 and 1970 decrees.

To address the student assignment issues identified by the United States, the Board has agreed to take certain actions prior to the start of the 2012-2013 school year, including pairing the

elementary schools in the Ruston zone and revising its student transfer policy, as discussed in greater detail in Section IV.A. below.

B. Faculty Assignment and Staff Assignment

Under the 1970 Decree, “principals, [] teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for black students or white students.”¹⁴ In the 2011-2012 school year, the Board employs 435 teachers, of whom 87.1 percent are white, 12.4 percent are black, and 0.5 percent are of another race. The 2011-2012 faculty demographics are set forth in Table 2 below.

| Table 2: Faculty Demographics (2011-2012) | | | | | |
|--|--------------------------|--------------------|-------------------|-----------------|--------------|
| Zone | School | White | Black | Other | Total |
| Choudrant | Choudrant ES (K-6) | 27 (96.4%) | 1 (3.6%) | 0 (0.0%) | 28 |
| | Choudrant HS (7-12) | 28 (93.3%) | 2 (6.7%) | 0 (0.0%) | 30 |
| | <i>Zone-wide</i> | <i>55 (94.8%)</i> | <i>3 (5.2%)</i> | <i>0 (0.0%)</i> | 58 |
| Dubach-Hico | Hico ES (K-5) | 15 (88.2%) | 2 (11.8%) | 0 (0.0%) | 17 |
| | Dubach HS (6-12) | 16 (80.0%) | 4 (20.0%) | 0 (0.0%) | 20 |
| | <i>Zone-wide</i> | <i>31 (83.8%)</i> | <i>6 (16.2%)</i> | <i>0 (0.0%)</i> | 37 |
| Ruston | Cypress Springs ES (K-5) | 30 (90.9%) | 3 (9.1%) | 0 (0.0%) | 33 |
| | Glen View ES (K-5) | 40 (87.0%) | 6 (13.0%) | 0 (0.0%) | 46 |
| | Hillcrest ES (K-5) | 24 (80.0%) | 6 (20.0%) | 0 (0.0%) | 30 |
| | Ruston ES (K-5) | 22 (73.3%) | 8 (26.7%) | 0 (0.0%) | 30 |
| | I.A. Lewis ES (6) | 17 (85.0%) | 3 (15.0%) | 0 (0.0%) | 20 |
| | Ruston Jr. HS (7-8) | 45 (91.8%) | 4 (8.2%) | 0 (0.0%) | 49 |
| | Ruston HS (9-12) | 81 (88.0%) | 9 (9.8%) | 2 (2.2%) | 92 |
| | <i>Zone-wide</i> | <i>259 (86.3%)</i> | <i>39 (13.0%)</i> | <i>2 (0.7%)</i> | 300 |
| Simsboro | Simsboro School (K-12) | 34 (85.0%) | 6 (15.0%) | 0 (0.0%) | 40 |
| | <i>Zone-wide</i> | <i>34 (85.0%)</i> | <i>6 (15.0%)</i> | <i>0 (0.0%)</i> | 40 |
| District-wide | | 379 (87.1%) | 54 (12.4%) | 2 (0.5%) | 435 |

As the percentage of black faculty at all schools in the District is within plus/minus fifteen percentage points of the District-wide average, the United States has determined that the Board

¹⁴ 1970 Decree at 2.

assigns faculty to schools on a nondiscriminatory basis in accordance with its desegregation obligations. Through faculty reassignment and the closure of its two alternative schools prior to the 2011-2012 school year, the Board addressed the faculty issues identified in Section I.B. of the United States' Status Report. The projected faculty 2012-2013 demographics in the Ruston zone under the new grade-level configurations are consistent with the Board's obligations. There are no staff assignment issues. Thus, the Board has eradicated the vestiges of segregation in the areas of faculty and staff, and is entitled to a declaration of partial unitary status in those areas.

C. Transportation

The 1969 Decree prohibited the Board from segregating or discriminating against any student on account of race or color in any service, facility, activity, or program, including transportation.¹⁵ With respect to transportation, the 1970 Decree further required that “[b]us[] routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis,” and that “[t]he transportation system of the school district shall be completely re-examined regularly by the superintendent, his staff, and the school board.”¹⁶

The United States reviewed transportation data provided by the Board, including pupil locator data for the 2011-2012 school year. Based on that information, the United States has determined that the Board provides transportation to all eligible students enrolled in the District on a nondiscriminatory basis. Upon review of information provided by the Board after the United States' Status Report, including 2011-2012 student enrollment data and geographic information system (GIS) data, the United States determined that the concerns expressed in Section I.C. of the

¹⁵ 1969 Decree at 4.

¹⁶ 1970 Decree at 4.

Status Report were no longer an issue. Thus, the Board is entitled to a declaration of partial unitary status in the area of transportation.

D. Extracurricular Activities

The 1970 Decree prohibited the Board “from maintaining any . . . non-classroom, or extra-curricular activity on a segregated basis, so that no student is effectively excluded from . . . participating in any non-classroom or extra-curricular activity on the basis of race, color, or national origin.”¹⁷ The United States reviewed information provided by the Board concerning extracurricular activities. The District provides all students an opportunity to participate in extracurricular activities on a nondiscriminatory basis. Thus, the Board is entitled to a declaration of partial unitary status in the area of extracurricular activities.

E. Facilities

The 1969 and 1970 decrees further required that the Board eliminate the vestiges of segregation in its school facilities. The United States reviewed facilities information provided by the Board and conducted a site visit of all school facilities in the Ruston zone in April 2011, and has determined that the Board operates all of the District’s school facilities in a nondiscriminatory manner in compliance with its desegregation obligations. Thus, the Board is entitled to a declaration of partial unitary status in the area of facilities.

IV. STIPULATED REMEDIAL MEASURES

The Board agrees to take the following measures to address the outstanding student assignment issues in this case, as described above in Section III.A. The Board has agreed to implement, as a practicable tool to address and correct these issues, the following plan for the 2012-2013 school year. The parties agree, and the Court finds, that such relief, as detailed below,

¹⁷ 1970 Decree at 5.

if fully implemented, will correct the remaining student assignment issues and result in the unitary operation of the District in the area of student assignment.

A. Elementary School Student Assignment in the Ruston Zone

The Board has approved and agrees to implement, by the beginning of the 2012-2013 school year, a student assignment plan that will eliminate the racial identifiability of Cypress Springs Elementary School, Hillcrest Elementary School, and Ruston Elementary School, three of the four elementary schools currently serving grades K-5 in the Ruston zone. Under this plan, the Board will create two pairs of schools using existing attendance zone boundaries and transportation routes. Each pair will contain a K-2 school and 3-5 school. Additionally, the existing “freedom of choice” zone, which currently enables students who reside within that zone to choose to attend school in either Simsboro or Ruston, will be abolished. As indicated on the map in Exhibit A, that zone will be divided such that students residing in that zone will be assigned to attend either the Simsboro or Ruston zone.

In the first pair, to be known as the “Hillcrest-Ruston” attendance zone, Hillcrest Elementary School will serve grades K-2 and Ruston Elementary School will serve grades 3-5. Unless granted a transfer for one of the permissible reasons set forth below in Section IV.B., all students who reside in the existing Ruston and Hillcrest zones will attend the schools in the new Hillcrest-Ruston attendance zone. In the second pair, to be known as the “Glenview-Cypress Springs” attendance zone, Glenview Elementary School will serve grades K-2 and Cypress Springs Elementary School will serve grades 3-5. Unless granted a transfer for one of the permissible reasons set forth below in Section IV.B., all students who reside in the existing Cypress Springs and Glenview zones (except for those students in the former “freedom of choice”

zone who will now be assigned to the Simsboro zone) will attend the schools in the new Cypress Springs-Glenview attendance zone. All Ruston students in grades 6 through 12 will continue to attend I.A. Lewis Elementary School, Ruston Junior High School, and Ruston High School under the existing grade level configurations.

The projected student demographics at the elementary schools in the Ruston zone are set forth below in Table 3.

| Pair | School | White | Black | Other | Total |
|--------------------------|-----------------------|--------------------|--------------------|------------------|--------------|
| Glenview-Cypress Springs | Glenview (K-2) | 293 (44.0%) | 345 (51.8%) | 28 (4.2%) | 666 |
| | Cypress Springs (3-5) | 241 (40.0%) | 321 (53.2%) | 41 (6.8%) | 603 |
| | <i>Total K-5</i> | <i>534 (42.1%)</i> | <i>666 (52.5%)</i> | <i>69 (5.4%)</i> | 1269 |
| Hillcrest-Ruston | Hillcrest (K-2) | 208 (39.9%) | 284 (54.5%) | 29 (5.6%) | 521 |
| | Ruston (3-5) | 176 (41.0%) | 238 (55.5%) | 15 (3.5%) | 429 |
| | <i>Total K-5</i> | <i>384 (40.4%)</i> | <i>522 (54.9%)</i> | <i>44 (4.6%)</i> | 950 |

* *Projections are based on 2011-2012 enrollment figures.*

The projected ratios of black and white students at all Ruston schools will approximate zone- and District-wide averages. To the extent faculty reassignments between schools are necessary to implement this student assignment plan, the Board will ensure that the percentages of black and white faculty at each school remain within plus/minus 15 percentage points of the District-wide averages. Based on these projections, the United States has concluded that, if realized, the Board will meet its obligation to ensure that each of its Ruston zone schools will no longer be racially identifiable beginning in the 2012-2013 school year.

A. Student Transfers

The Board has approved and will immediately implement the following student transfer policy. No student transfer will be permitted other than those approved, according to the provisions herein, by the Transfer Committee, which will be composed of three supervisory staff

members appointed by the Superintendent. The decision of the Transfer Committee on student transfer requests will be made in compliance with the provisions stated below and will be final and without appeal to the School Board. All transfer requests for the upcoming school year will be accepted and considered during the period of May 1 through July 30, 2012, and May 1 through June 30 of each year thereafter. The Transfer Committee may approve transfer requests submitted after July 30, 2012 or June 30 of subsequent years only if such requests are based upon one of reasons (1) through (6) below which did not arise or was not known to the applicant prior to the deadline, as evidenced by supporting documentation, and if the request otherwise complies with the other terms of these provisions. No transfer will be approved that does not meet at least one of the following six approved reasons for transfer.

1. Majority-to-Minority

A student attending a school where the student's race is in the majority may elect to attend a school of appropriate grade level in any attendance zone in the District where the student's race is in the minority, subject to the following requirements.

a. To determine whether a transfer is, in fact, one that is eligible as a Majority-to-Minority transfer, the Transfer Committee will calculate the student racial percentages at each school based on the student enrollment data on the last day of the school year prior to school year in which the student seeks to enroll in the receiving school.

b. A Majority-to-Minority transfer will automatically continue year-to-year until the student completes the last grade level at the school, or until the student notifies the Transfer Committee of an intent to return to the school to which the student would normally be assigned based on the student's home address.

c. A Majority-to-Minority transfer request will be given priority for space at the receiving school among other students requesting transfers to the same school for other reasons, and the Majority-to-Minority transfer is not to be dependent on space being available.

d. The Board will provide transportation to and from the receiving school for any student granted a Majority-to-Minority transfer unless it is rejected by the student.

e. Students who transfer pursuant to this section will be immediately eligible to participate on athletic teams at the first high school to which they transfer under this provision.

f. The Board will provide transportation to facilitate participation in athletics and other extracurricular activities to students who transfer under this provision.

2. Specialized Academic, Vocational, Athletic, or Special Education

Curriculum Not Offered in the School of Residence

The Transfer Committee may grant any student who elects or requires a course of study or other specialized academic, vocational, athletic, or special education program or curriculum not offered at the school to which the student has been assigned a transfer to another school that offers such program or curriculum, subject to the following requirements.

a. The student's transfer application must include (1) a verification signed by the principal of the sending school that the specific program and/or curriculum is not available at his school, and (2) by the principal of the receiving school that the specific program or curriculum is available at his school and that the student has qualified for such program or curriculum.

b. An application for such a transfer based on non-academic programs may be denied if it is determined by the Transfer Committee that the cumulative effect of all transfer requests for the given year would reinforce a perception that either the sending school or receiving school is intended for a particular race, or would otherwise frustrate the Board's desegregation obligations in this case.

c. Under Louisiana High School Athletic Association rules, any student who transfers based on the unavailability of an athletic program at the sending school will not be immediately eligible to participate in competitive high school athletics, unless such transfer qualifies and is designated as a Majority-to-Minority transfer, as provided above.

3. Health of the Student

The Transfer Committee may grant a transfer to a student whose attendance at the student's assigned school would place the student's physical or mental health in jeopardy and where attendance at another school would better meet the student's health needs. The student's application for such a transfer must include a statement of support signed by at least two non-associated medical doctors or mental health providers certifying the student's health condition, explaining in detail why attendance at the sending school places the student's health in jeopardy, and explaining in detail why attendance at the requested school is better for the student's health condition. At least one of the doctors providing a supporting letter must be the student's treating physician.

4. Safety of the Student

The Transfer Committee may grant a transfer to any student whose safety is in jeopardy if attendance continues at the sending school. A student's application for such a transfer

must include a statement signed by the student's parent/guardian and/or the principal of the sending school outlining the potential harm to the student in that school, together with any supporting documentation that may be available, and a statement on how the transfer would address the student's specific safety concerns.

5. Child of a full-time certificated employee.

The Transfer Committee may grant a transfer to any student enrolled in grades K-12 who is the child of a full-time, certificated school district employee, and is verified as actually living with said employee, to attend a school of applicable grade level within the attendance zone of the school where the parent/guardian works, subject to the following requirements.

a. A student's application for such a transfer must include a verification from the District's personnel office of the parent's/guardian's employment status with the Board, job title, and school assignment for the next school year.

b. A certificated employee's child who is also eligible for a Majority-to-Minority transfer will be granted a Majority-to-Minority transfer in lieu of a transfer as a child of a certificated employee and may, therefore, elect to attend any school in the District for which the student is eligible under that transfer provision.

6. Exceptional hardship

The Transfer Committee may grant a transfer for an exceptional hardship arising from a situation that does not fall within any of the student transfer provisions listed above, but which warrant the transfer of that student to another school in the District (including, but not limited to, a natural disaster, incarceration of the custodial parent/guardian, severe illness of a

parent/guardian, domestic abuse in the student's home, neglect or other child welfare needs). A transfer may be granted to a student where an exceptional hardship is demonstrated, subject to the following requirements.

a. The student's parent/guardian and/or an appropriate child welfare official may apply for an exceptional hardship transfer and must include in such application a signed, dated, and notarized statement providing a detailed explanation of the exceptional hardship, why the hardship requires a transfer from the sending school, why the receiving school can best accommodate the exceptional hardship, and supporting documentation, if any is reasonably available to the applicant.

b. In addition to many other circumstances that may also not qualify as an exceptional hardship, child care needs will not qualify as an exceptional hardship under this provision.

4. Term of Transfers. All transfers (except Majority-to-Minority transfers, as provided above) will be effective for one school year only. A student must submit an application and be reconsidered and approved by the Transfer Committee for each succeeding year.

5. Transportation of Transfer Students. Majority-to-Minority transfer students will be entitled to transportation provided by the School Board. All other transfer students must provide their own transportation.

C. Training

To facilitate the transition and effective implementation of the student assignment changes required by this Consent Order, the Board will provide training to staff and parents during the

2012-2013 school year on issues related to racial diversity. The Board will seek the assistance of and, if available, will work cooperatively with the Intercultural Development Research Association (IDRA) South Central Collaborative for Equity¹⁸ to the extent it is able to provide assistance to the Board in such training.

D. Monitoring and Reporting

1. Reports. On or before October 15 and April 15 of each year during the term of this Consent Order, the Board will file with the Court a report containing the following information related to the Ruston zone attendance plan and the Board's student transfer policies:

a. A table listing the number and percentage of students, by race, at each school in the Ruston zone, as well as Ruston zone-wide and District-wide student demographics.

b. For each of the four K-5 elementary schools in the Ruston zone, a list of all students, by assigned homeroom teacher, listing each student's name, race, and physical home address (no P.O. boxes). For this reason, the October 15 and April 15 reports SHALL be filed under seal.

c. For each of the four K-5 elementary schools in the Ruston zone, a list of all administrators, teachers, and certificated staff, indicating each employee's job title, position, and race.

d. A spreadsheet providing the following information for all transfer requests made since the prior report for or during the current school year: (a) the name, race, and physical address of the requesting student; (b) the basis for the request; (c) whether the request was granted or denied; and, if the request was denied, the basis for that decision. The Board agrees to

¹⁸ The IDRA South Central Collaborative for Equity is the federally-funded equity assistance center for the region including Louisiana which provides technical assistance, training, and other resources on equity and diversity issues to school districts free of charge.

submit the transfer information in the form of a spreadsheet which, if possible, will be submitted to the United States in an electronic format utilizing Microsoft Excel or a compatible program.

e. A narrative description of the Board's efforts to implement the new student assignment plan since the date of the previous report.

2. Objections. If the United States has any objections to the Board's implementation of the Ruston zone attendance plan or the transfer policy during a given reporting period, such objections will be made, in writing, within thirty (30) days of receipt of the report for subject period. The parties will attempt to resolve any disputes voluntarily but either party may seek the assistance of the Court if they are unable to resolve any issues within a reasonable period of time.

3. Prior Reporting Requirements Superseded. The reporting requirements outlined above will supersede and replace all other reporting requirements ordered by the Court.

E. Modifications. For any modifications to any of the terms of this Consent Order related to the Ruston zone attendance plan or the transfer policy, the Board must seek the United States' consent and obtain approval of the Court through an appropriate motion, which may be filed with or without consent.

V. FINAL TERMINATION

Having found that the Board has satisfied its desegregation obligations in the areas of faculty assignment, staff assignment, transportation, extracurricular activities, and facilities in the operation of the District's schools, the Court hereby declares the Board unitary in those areas, dismisses the permanent injunction as to those issues, and withdraws its jurisdiction over those areas of operation of the District's schools.


Continued judicial supervision of the Board, in its operations of the District's schools, will be limited to ensuring compliance with the terms set forth above regarding the implementation of the Ruston zone attendance plan and the transfer policy. The United States and the Board have committed to negotiate in good faith any disputes that may arise, but either party will have the right to seek judicial resolution of any issue related to compliance with this Consent Order.

The Board retains the burden of eliminating any vestiges of *de jure* segregation which may continue to exist in the areas still under this Court's supervision. The parties have agreed and the Court finds that the Board will meet its desegregation obligations in the remaining areas of its operation of the District's schools if it implements the Ruston attendance zone plan and the transfer policy, both as set forth above. Therefore, upon demonstration of successful implementation of such provisions, the Board may move for a declaration of unitary status on the issue of student assignment no sooner than thirty (30) days after the submission of its October 15, 2013 court report. The applicable provisions of the Federal Rules of Civil Procedure and the local rules of this Court will apply to any such motion.

The United States and the Board specifically agree and the Court finds that this Consent Order will have no effect upon any issues related to the desegregation of the laboratory schools operated at Louisiana Tech University and/or Grambling State University. Particularly, this Consent Order will not affect, in any way, any issues related to any obligation of the Board under or its compliance with any provision of the 1984 Consent Decree relative to the desegregation of the laboratory schools, and the Board will remain a party to this case until it has satisfactorily complied with all such obligations.

SO ORDERED, ADJUDGED, AND DECREED,

this 24th day of May, 2012.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE