

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

UNITED STATES OF AMERICA

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Plaintiff,

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VERSUS

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CIVIL ACTION NO. 66-12071

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**LINCOLN PARISH SCHOOL
BOARD, et al.,**

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JUDGE ROBERT G. JAMES

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Defendants.

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**CONSENT ORDER
DECLARING UNITARY STATUS AND DISMISSING ACTION**

Plaintiff United States of America (the “United States”) and Defendant Lincoln Parish School Board (the “Board”) (collectively the “Parties”) agree that the Board has complied with its constitutional obligation to eliminate all vestiges of the prior *de jure* segregated education system in the public schools fully owned, controlled, and operated by the Board in Lincoln Parish (the “District”), and, therefore, is entitled to a declaration of unitary status and dismissal of this case with respect to its desegregation obligations. In 2012, this Court approved a Superseding Consent Order which granted the Board partial unitary status in all areas of the operation of the District’s schools, except student assignment, and set out certain obligations to reconfigure the elementary schools in the Ruston attendance zone.¹ After the Board implemented the elementary school reconfiguration requirements, the United States notified the Board that it had concerns regarding the racial composition of the elementary school classrooms and the Board’s classroom assignment process. In 2015, this Court approved a Supplemental Consent

¹ Superseding Consent Order, Record Document 55.

Order setting particular requirements for the classroom assignment process,² which the United States agrees have been properly and fully implemented by the Board.

The Court, having reviewed the terms of this Consent Order, finds that the Board has complied with its obligations under the relevant orders, the Fourteenth Amendment to the United States Constitution and applicable federal law and, therefore, has effectively eradicated to the extent practicable any remaining vestiges of the prior *de jure* segregated education system in the area of student assignment. Inasmuch as student assignment was the last area of operation for which the Board had not achieved unitary status, this Court's finding as to student assignment entitles the Board to a declaration of full unitary status, withdrawal of judicial supervision, and entry of a final judgment dismissing it from this action.

For the following reasons,

IT IS ORDERED that the Joint Motion to Approve Consent Order Declaring Unitary Status and Dismissing Action and for Final Judgment of Dismissal [Doc. No. 264] is **GRANTED**, and the Lincoln Parish School Board is declared UNITARY in all regards and is DISMISSED from this case.

I. PROCEDURAL HISTORY

Since this public school desegregation action was initiated by the United States in 1966, the Court has issued multiple orders designed to disestablish the former *de jure* segregated system of public elementary and secondary education in Lincoln Parish. The history of this case has been recounted on multiple occasions and a full recitation is unnecessary here; however, the Court incorporates by reference the historical facts generally and relative to student assignment as set forth in the Superseding Consent Order entered on May 24, 2012, at Record Document 55, pages 1-6, and the Supplemental Consent Order entered on June 2, 2015, at Record Document 151, pages 1-7.

² Supplemental Consent Order, Record Document 151.

In the 2012 Superseding Consent Order, the Court granted partial unitary status and dismissed the case against the Board in all areas of the operation of the District's schools, except student assignment, and set certain obligations for the reconfiguration of the elementary schools in the Ruston attendance zone and student transfers district-wide.³ On June 2, 2015, and, following the successful implementation of the school reconfiguration as required by the 2012 Superseding Consent Order, the Court approved the 2015 Supplemental Consent Order which required the implementation of a classroom assignment plan in those reconfigured schools.⁴ Pursuant to the 2015 Supplemental Consent Order, the Board was authorized to move for unitary status and dismissal of the case no sooner than sixty (60) days following the submission of its October 15, 2016 court report.⁵ Upon the expiration of that period, the Parties jointly moved for approval of their agreement to grant full unitary status and final dismissal of the case with respect to the operation of the Board's schools.

II. LAW AND ANALYSIS

A. Legal Standards

When determining whether a public school district has achieved unitary status, the court's ultimate inquiry is whether the district has (1) fully and satisfactorily complied in good faith with the court's desegregation orders for a reasonable time; (2) eliminated the vestiges of the 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 the provisions of the United States Constitution and federal law which were the basis for judicial intervention in the first instance.⁶ The United States Supreme Court has identified six

³ The particulars of the reconfiguration requirements are set forth in this Superseding Consent Order and are incorporated by reference herein. [Doc. No. 55, pp. 10-18].

⁴ [Doc. No. 151].

⁵ *Id.* at p. 13.

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

(6) areas of operation, commonly referred to as the “*Green* factors,” which must each be addressed when making the determination as to whether full unitary status has been achieved: (1) student assignment; (2) faculty assignment; (3) staff assignment; (4) transportation; (5) extracurricular activities; and (6) facilities.⁷ Once the court determines that the facts reveal no continued racial discrimination in any of these areas of operation and the school board has, in good faith, desegregated its schools to the extent practicable, the court may declare the district fully unitary, withdraw judicial supervision, and dismiss the action.⁸

B. Analysis

The Court previously declared the Board unitary in all areas of the operation of the District’s schools, except student assignment.⁹ As demonstrated by the data and information contained in its reports filed with the Court, the Board complied with the reconfiguration and transfer requirements contained in the 2012 Superseding Consent Order beginning with school year 2012-2013.¹⁰

The 2015 Supplemental Consent Order set out multiple obligations regarding the classroom assignment process at the four (4) elementary schools in the Ruston attendance zone: Cypress Springs, Glen View, Hillcrest, and Ruston. First, the Board was required to eliminate ability grouping and to ensure that students of all academic levels were assigned to each homeroom heterogeneously. The Board was also required to assign students to each homeroom with a goal that the percentage of black students and white students in each class approximate those percentages in the respective grade at that

⁷ *Green v. County of Sch. 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 *See Freeman*, 503 U.S. at 490-91; *see also Price v. Austin Indep. Sch. Dist.*, 945 F.2d 1307, 1314 (5th Cir.1991).

⁹ [Doc. No. 55, p. 18].

¹⁰ The data and information supporting this conclusion is incorporated by reference here as submitted in the Board’s Reports. [Doc. No. 59 (October 2012)]; [Doc. No. 74 (April 2013)]; [Doc. No. 119 (October 2013)]; [Doc. No. 125 (April 2014)]; [Doc. No. 136 (October 2014)]; [Doc. No. 148 (April 2015)]; [Doc. No. 155 (October 2015)]; [Doc. No. 209 (April 2016)]; and [Doc. No. 251 (October 2016)].

school.¹¹ The Parties agreed that this goal would be met if the percentage of black students and white students in each homeroom came within plus or minus fifteen percent ($\pm 15\%$) of the respective student percentage in the school's particular grade level.¹² The Parties also agreed that no homeroom class would include more than forty percent (40%) special education inclusion students.¹³

The Board implemented the classroom assignment process beginning in school year 2015-2016. The Board's Reports filed in October 2015, April 2016, and October 2016 revealed that the classroom assignment process as implemented resulted in nearly every classroom meeting the goal as set by the 2015 Supplemental Consent Order.¹⁴ On November 14, 2016, after the Board filed its October 2016 Report, the United States conducted a site visit of the four (4) Ruston elementary schools to observe the classroom assignments and determine whether the Board had complied with the 2015 Supplemental Consent Order.

Upon review of the documentation, and in consideration of the agreement by the Parties that the Board has fully complied with both the 2012 Superseding Consent Order and the 2015 Supplemental Consent Order, and, thus, has eliminated the vestiges of the prior *de jure* segregated system in the area of student assignment at its schools such that further Court supervision is no longer warranted, the Court finds that the Board is unitary in the area of student assignment.

III. FINAL TERMINATION

Having found that the Lincoln Parish School Board has satisfied its desegregation obligations in the final supervised area of student assignment, the Court hereby declares the Board to be unitary in

¹¹[Doc. No. 151, p 8].

¹²*Id.* at pp. 8-9.

¹³*Id.* at p. 9.

¹⁴The data and information supporting this conclusion is incorporated by reference here as submitted in the Board's Reports. [Doc. No. 155 (October 2015)]; [Doc. No. 209 (April 2016)]; and [Doc. No. 251 (October 2016)].

that area, dismisses the permanent injunction as to student assignment, and withdraws its supervision in that area. The Court further finds that, because the Board has now eliminated the vestiges of past segregation in all areas of the operation of its schools, it is entitled to full and final dismissal from this action. All other orders of this Court with respect to Civil Action No. 66-12071 not inconsistent herewith shall remain in full force and effect.¹⁵

A final judgment dismissing the Board from this action shall issue.

MONROE, LOUISIANA, this 18th day of January, 2017.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

¹⁵ Consistent with its prior orders, the Court will continue to supervise the desegregation of (i) the A.E. Phillips Laboratory School (“A.E. Phillips”), located on the campus of Louisiana Tech University, and (ii) the former Grambling Laboratory Schools, which are now known as the Lincoln Preparatory School (“Lincoln Prep”). Though the Board has no further legal obligations relative to the desegregation of those schools [Doc. Nos. 231 & 232], it has offered to voluntarily provide annual student, faculty, and staff data regarding its schools, if requested by the Court, the United States, or the other remaining parties to this litigation, to facilitate the Court’s comparative assessment and review of A.E. Phillips and Lincoln Prep.

Agreed to as to Form and Content:

FOR PLAINTIFF UNITED STATES OF AMERICA:

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

EVE HILL
Deputy Assistant Attorney General
Civil Rights Division

STEPHANIE A. FINLEY
United States Attorney
Western District of Louisiana

/s/ Katherine W. Vincent
KATHERINE W. VINCENT (#18717)
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA 70501-6832
Telephone: (337) 262-6618
Fax: (337) 262-6693

s/ Jonathan D. Newton
SHAHEENA A. SIMONS
Chief
FRANZ R. MARSHALL
Deputy Chief
JONATHAN D. NEWTON (NY #4622452)
ANDREW K. JOHNDAL
Trial Attorneys
Educational Opportunities Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW, PHB 4300
Washington, D.C. 20530
Telephone: (202) 514-4092
Fax: (202) 514-8337

FOR DEFENDANT LINCOLN PARISH
SCHOOL BOARD

HAMMONDS, SILLS, ADKINS & GUICE
2431 S. Acadian Thruway, Suite 600
Baton Rouge, LA 70808
Telephone (225) 923-3462
Facsimile (225) 923-0315

/s/ Robert L. Hammonds
ROBERT L. HAMMONDS
Louisiana Bar Roll No. 6484
JON K. GUICE
Louisiana Bar Roll No. 20841
PAMELA WESCOVICH DILL
Louisiana Bar Roll No. 3170