

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THERESA D. THOMAS, et al.,
Plaintiffs

UNITED STATES OF AMERICA,
Plaintiff-Intervenor

v.

ST. MARTIN PARISH SCHOOL
DISTRICT, et al.,
Defendants

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CIVIL ACTION NO. 6:65-cv-11314

JUDGE ELIZABETH E. FOOTE

SUPERSEDING CONSENT ORDER

I. INTRODUCTION

Plaintiffs, Tracie Borel and Genevieve Dartez, and Plaintiff-Intervenor, United States of America (“United States”), (collectively, “Plaintiff Parties”) and Defendant, St. Martin Parish School Board (the “Board”), respectfully submit this Superseding Consent Order, which supersedes all existing orders entered in this case, sets forth the general injunction governing the desegregation obligations of the Board, and consolidates all of the operative desegregation orders in this case. The parties agree that entry of this Superseding Consent Order, without further litigation, is in the public interest and, if fully and appropriately implemented, will facilitate both the Board’s fulfillment of its affirmative desegregation obligations and the termination of judicial supervision.

The Court has reviewed the terms of this Superseding Consent Order and concludes that entry of the Superseding Consent Order is consistent with the Fourteenth Amendment to the United States Constitution and other applicable federal law, and that such entry will further the orderly desegregation of the St. Martin Parish School System (the “District”).

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

II. OVERVIEW

This school desegregation case was filed in 1965, and since that time, the Court has entered numerous desegregation orders. The first three were entered in 1969 (Record Document 25-3), 1971 (Record Document 25-5), and 1974 (Record Document 25-10). More recently, the parties achieved unitary status in the area of extracurricular activities (Record Document 157), and also entered into consent orders in the following specific areas on the following days:

- Facilities, Faculty Assignment and Staff Assignment: December 28, 2015 (Record Document 166)

- Student Assignment: January 25, 2016 (Record Document 178)
- Quality of Education: February 3, 2016 (Record Document 193)
- Transportation: February 4, 2016 (Record Document 194)

In order to collect in one document all of the Board's outstanding desegregation obligations, and to eliminate any ambiguity created by multiple outstanding orders, the Court instructed the parties to draft this Superseding Consent Order. (Record Document 204). Each of the area-specific orders is attached to this order and referenced below, and three of the four contain language stating that "All prior orders not inconsistent herewith remain in full force and effect." (Record Document 178, p. 26; Record Document 193, p. 27; Record Document 194, p. 10). In light of the agreement set forth here, this language is hereby declared null and void in all previous consent orders in this case in which it appears. By its signature, this Court does adopt this Superseding Consent Order and its attachments as the only consent order in full force and effect at this time.

This Superseding Consent Order that follows reflects the District's obligations under the United States Constitution and Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c *et seq.*, to provide educational programs and services without discriminating on the basis of race and in a manner that does not perpetuate or further racial segregation and sets forth the remedial measures to be taken by the Board to eliminate, to the extent practicable, the vestiges of the former segregated system in the District.

The parties agree to the terms of this Superseding Consent Order to resolve the Plaintiff Parties' outstanding desegregation concerns in this case. The parties anticipate that full compliance with this Superseding Consent Order will support a finding that the District has complied with both

the letter and spirit of the orders and desegregation law, and that the vestiges of past discrimination have been eliminated to the extent practicable. *See Freeman v. Pitts*, 503 U.S. 467, 485 (1992).

This Superseding Consent Order shall at all times be binding upon the District, including the successor members of the Board and successor District superintendents.

III. GENERAL REQUIREMENTS

The Board is permanently enjoined from operating a dual public school system which segregates students on the basis of race and from adopting any racially discriminatory regulatory policies or practices, or performing any acts in the areas of student assignment, facilities, faculty assignment, staff assignment, transportation, and/or quality of education which is adverse to its desegregation obligations under federal law. As set out more particularly in this Superseding Consent Order, including the Attachments hereto, the Board shall take affirmative action to disestablish all, if any, remaining vestiges of the former *de jure* segregated system and to eliminate all, if any, remaining effects of that prior dual school system to the extent practicable.

In furtherance of its good faith intentions, the Board will take appropriate action, consistent with its policies and procedures governing student and employee discipline and/or applicable federal law, to protect the ability of students and employees to exercise their rights under or otherwise affected by this Superseding Consent Order and the incorporated consent orders and attachments. In addition, the Board will take appropriate action, consistent with its policies and procedures governing student and employee discipline and/or applicable federal law, with regard to any student or employee who interferes with the proper implementation of the desegregation obligations set forth in this Superseding Consent Order and in the incorporated consent orders and attachments. Such interference may consist of harassment, intimidation, threats, hostile words or acts, or other actions

prohibited by the relevant codes of conduct and/or applicable federal law which are intended to disrupt or otherwise adversely affect the Board's compliance with the terms of the subject orders.

IV. AGREED REMEDIAL MEASURES

A. Student Assignment

Attachment A, which was initially entered into the record as the Consent Order Regarding Student Assignment, Record Document 178, sets forth provisions that govern student assignment. This Superseding Consent Order incorporates by reference and adopts Attachment A as though it had been set forth fully herein. Notwithstanding the consent order(s) set forth herein and the provisions governing student assignment set forth in Attachment A, the parties agree to and the Court approves the following additional terms:

1. For the 2016-2017 school year, high school seniors may remain at the school that they were assigned to at the end of the 2015-2016 school year; and
2. Any student granted a majority-to-minority transfer shall be immediately eligible for athletic participation at the receiving school notwithstanding any state association or other rule on residency or transfer to the contrary.

B. Facilities

Attachment B, which was initially entered into the record as the Consent Order Regarding Facilities, Faculty Assignment, and Staff Assignment, Record Document 166, sets forth the specific provisions that, in addition to the consent order(s) set forth herein, govern facilities. This Superseding Consent Order incorporates by reference and adopts Attachment B as though it had been set forth fully herein.

C. Faculty and Staff Assignment

Attachment B, which (as noted above) was initially entered into the record as the Consent Order Regarding Facilities, Faculty Assignment, and Staff Assignment, Record Document 166, sets forth provisions that, in addition to the order(s) set forth herein, govern faculty and staff assignment. This Superseding Consent Order incorporates by reference and adopts Attachment B as though it had been set forth fully herein. Notwithstanding the injunction set forth herein or the provisions governing faculty and staff assignment set forth in Attachment B, the Parties agree to the following additional terms:

1. The Board shall assign faculty and staff at any given school such that the assignments do not indicate that the school is intended for one race.
2. The Board shall hire, assign, promote, pay, demote, dismiss, and otherwise treat both teachers and other staff who work directly with children as well as professional staff without regard to race, color, or national origin.

D. Transportation

Attachment C, which was initially entered into the record as the Consent Order Regarding Transportation, Record Document 194, sets forth provisions that, in addition to the order(s) set forth herein, govern transportation. This Superseding Consent Order incorporates by reference and adopts Attachment C as though it had been set forth fully herein.

E. Quality of Education

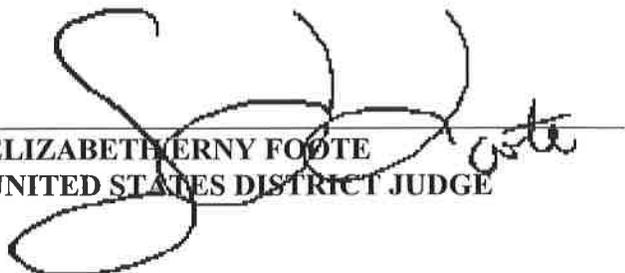
Attachment D, which as initially entered into the record as the Consent Order Regarding Quality of Education, Record Document 193, sets forth provisions that, in addition to the order(s)

set forth herein, govern quality of education. This Superseding Consent Order incorporates by reference and adopts Attachment D as though it had been set forth fully herein.

V. TERMINATION OF JUDICIAL SUPERVISION

The parties agree that full compliance with the order(s) herein, including the consent order(s) set forth in Attachments A, B, C, and D, will support a finding that the District has complied with both the letter and the spirit of the orders governing this matter as they pertain to the vestiges of segregation in the District and that the vestiges of segregation have been eliminated to the extent practicable.¹ The District may move for unitary status and dismissal of the case and/or the Plaintiffs Parties may move for further relief or to enforce the Superseding Consent Order subject to the order(s) and provisions set forth herein and in Attachments A, B, C, and D.²

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, this 16th day of November, 2016.


ELIZABETH HERNY FOOTE
UNITED STATES DISTRICT JUDGE

¹ See *Freeman v. Pitts*, 503 U.S. 467, 485 (1992).

² *Green v. Sch. Bd. of New Kent Cnty.*, 391 U.S. 430, 439 (1968) (“[W]hatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed.”).

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