

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

**LENA VERN DANDRIDGE, ET AL.,
Plaintiffs,**

vs.

**JEFFERSON PARISH SCHOOL BOARD, ET
AL.,
Defendants.**

Civil Action No. 2:64-cv-14801-KDE-JCW

**MOTION TO EXTEND THE CONSENT ORDER
AND FOR FURTHER REMEDIES OR SPECIFIC PERFORMANCE
PURSUANT TO PARAGRAPH 37 OF THE CONSENT ORDER, AND
FURTHER FOR CONTEMPT AND MEANINGFUL AND APPROPRIATE SANCTIONS,
AND TO CONTINUE THE HEARING SET BY THE COURT**

The plaintiffs, through undersigned counsel, object to the expiration of the Consent Order and move the court to set an evidentiary hearing to consider actions and conduct of the defendant school board and the superintendent of schools (defendants), which actions and conduct plaintiffs believe to be deliberate obstructions to the process of desegregation and a deliberate defiance of the orders of this court, to wit:

I.

BY ORDER OF THIS COURT, the plaintiffs, within ninety days (90) of receipt of the monitor's year 2011 annual report, submitted a written report to the School District identifying areas of material non-compliance by the School System with the provisions of the Consent Order and a copy of the report was concurrently submitted to the court. Pursuant to applicable provisions of the Consent Order, the defendants are required to "either undertake corrective action during the next school year or submit to plaintiffs a response contesting any area or areas of asserted material noncompliance contained in the report submitted by plaintiffs. To date, defendants have not responded.

II.

The School System's efforts to recruit Black students into Advanced Academies, Magnet Schools, AP and Honors Programs and classes, Gifted and Talented Programs, and IB Programs has been, and continues to be, woefully inadequate and has not led to the desegregation of said schools to the extent possible.

III.

The School System has not sought Court approval for a declaration that Academic Academies are equal, which further impacts the School System's obligation to desegregate. The Plaintiffs further submit that because of irregularities uncovered with admissions into Gretna #2 and other Advanced Academies and Magnet Schools, coupled with irregularities not investigated that directly impact the admissions of students of the protected class (African-American Black students) the System is in "material non-compliance" with the provisions of the Consent Order and has failed to adequately desegregate its school system to the extent possible. Still further, the defendants have used the Consent Order and these Advanced Academies and Magnet Schools as a pretext to conceal attempts to continue a system of racially segregated schools inasmuch as these Advanced Academies and Magnet Schools remain predominately racially identifiable White in a school system which is predominately African-American Black.

IV.

Considering the size of defendants' School System, i.e. student body population, and the numbers of students being reported as having availed themselves of the majority-to-minority ("M-to-M") transfer plan and academic transfer plan to further facilitate the desegregation of the School System, these programs remain significantly under-utilized inasmuch as there remains an identifiable number of racially segregated schools, in violation of the Consent Order and the Constitution.

V.

There remains a disproportionate number of Black students being subjected to the School System's disciplinary process and disparate treatment while under supervision of school system officials.

VI.

The staffing requirements contained in the Consent Order have not been fully implemented. The School System is not in compliance with requirements of the Consent Order in the areas of administrative, faculty and non-instructional support staff assignments, e.g. *inter alia*, none of the Academic Study Academies have Black principles. This fact presents an issue that should be reviewed as the defendants' conduct materially violates the provisions of the Consent Order and their obligation to desegregate its school system to the extent possible. The efforts of defendants to recruit African-American Black teachers are a sham. There is no good faith attempt to recruit African-American Black teachers and the efforts the defendants reported to the court as their remedies for prior discrimination are ineffective.

VII.

The School System's reporting in the areas of resource allocations for school equipment and materials of instruction has been sporadic and sketchy at best, and when made, reports are difficult to read and interpret as they are not designed in a format that is easy to understand by persons lacking instruction in accounting practices. The Compliance Officer's Monthly Reports bear out the difficulty experienced in compelling the responsible system personnel to timely and regularly submit the required information. Although the plaintiffs agree that the School System has adopted a Resource Allocations Policy and Facilities Policy, the projects envisioned remain mostly incomplete. The defendants have a history and long standing policy of building schools which led to the busing of students of the

protected class (African-American Black students) out of their neighborhoods, and allowing White students to transfer when they were assigned to racially identifiable African-American Black schools or schools in predominately African-American Black neighborhoods.

VIII.

The defendants have openly and publicly expressed defiance against considering the advice and counsel of the Compliance Officer and their conduct shows that they are determined to undermine the Compliance Officer's authority "to coordinate and oversee the implementation of this Consent Order" or otherwise to enforce the orders of the court. The school board and its agents have publicly expressed and taken actions to confirm that they are free to ignore the Compliance Officer and the Consent Order. The plaintiffs are entitled to the relief granted by the court in its orders. Therefore, they request the court to enforce its orders regarding the duty and responsibility of the Compliance Officer "to coordinate and oversee the implementation of this Consent Order" or otherwise to enforce the orders of the court. On information and belief, the Compliance Officer has given directions and advice consistent with the Fourteenth Amendment and orders of the court, which directives and advice the defendants, its agents and assigns, have openly and publicly rejected and defied.

IX.

The Jefferson Parish School Board shows no signs of abandoning its attempts to maintain the dual system of racially segregated schools in Jefferson Parish. Plaintiffs request the court to remove authority over desegregation from the Jefferson Parish School Board and to appoint a Special Master to assist the Compliance Officer in implementing the Consent Order.

X.

Plaintiffs' counsel has made objections cited above directly to the defendants through their counsel and to the Compliance Officer, and counsel has been informed that their objections were communicated to the defendants. Plaintiffs further urge that, under the circumstances, including their prior history of discriminatory practices, the actions of the school board continue to be so severely in violation of the orders of this court that substantial, meaningful and appropriate sanctions against the defendants are unavoidable as considerations for the relief that should be imposed. Though plaintiffs, through counsel, reported their objections to the actions and conduct of the defendants to the Compliance Officer and the defendants' counsel, they agreed to, in the spirit of compromise, work cooperatively with defendants' counsel and to withhold the filing of motions so as not to create media sensationalism. The defendants, however, continued on an unrelenting path of racially discriminatory actions, ignoring the protests of both the plaintiffs and the Compliance Officer. The conduct complained of herein is no less than deliberate inexcusable misconduct which warrants meaningful and appropriate sanctions against the school board, its individual members, and its superintendent.

WHEREFORE, the plaintiffs request an evidentiary hearing be held after sufficient delay to conduct limited discovery, and, after due proceedings, pray that this court grant such relief as requested above to enforce applicable provisions of the Consent Order and/or such other relief as the court deems just and proper to enforce the Fourteenth Amendment to the Constitution of the United States of America. Plaintiffs further request that the hearing set for Wednesday, July 20, 2011, at 8:30 a.m. be continued accordingly.

Respectfully Submitted,

BY ATTORNEY:

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Baton Rouge, Louisiana 70810-2858

A handwritten signature in blue ink that reads "G. T. Carter, III". The signature is written in a cursive style with a horizontal line under the last name and the Roman numeral.

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CERTIFICATE

I hereby certify that I electronically filed the foregoing with the Court's CM/ECF system which will send a notice of electronic filing to opposing counsel on this 30th day of June 2011.

A handwritten signature in blue ink that reads "G. T. Carter, III". The signature is written in a cursive style with a horizontal line under the last name and the Roman numeral.

GIDEON T. CARTER, III