

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

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:66-cv-12071
	)	JUDGE ROBERT G. JAMES
v.	)	
	)	
LOUISIANA TECH UNIVERSITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**CONSENT ORDER**

**TABLE OF CONTENTS**

I. PROCEDURAL HISTORY..... 2

II. LEGAL STANDARDS..... 4

III. STIPULATED FACTS ..... 6

    A. Overview of A.E. Phillips ..... 6

    B. Operation and Funding of A.E. Phillips..... 7

    C. Student Enrollment..... 10

    D. Faculty and Staff ..... 15

    E. Facilities ..... 17

    F. Extracurricular Activities and Transportation..... 18

IV. STIPULATED REMEDIAL MEASURES..... 19

    A. Student Enrollment..... 20

        1. *Admissions Targets* ..... 20

        2. *Increase Overall Student Enrollment*..... 20

        3. *Recruitment of Black Students*..... 22

        4. *Reduce Barriers to Enrollment of Black Students*..... 23

        5. *Classroom Assignments* ..... 24

        6. *Modified Admissions Preferences* ..... 24

        7. *Alternate Plan* ..... 25

    B. Faculty and Staff ..... 26

    C. Facilities ..... 28

V. MONITORING AND REPORTING..... 28

    A. October 15 Report ..... 28

    B. Modified Admissions Preference Court Report..... 30

    C. Supplemental Reporting..... 30

    D. Preservation of Records ..... 30

    E. Site Visits ..... 31

    F. Prior Orders ..... 31

VI. FINAL TERMINATION ..... 31

EXHIBIT A: A.E. Phillips Projected Classroom Additions and  
    Black Student Enrollment Targets ..... A-1

-1-

This Consent Order arises out of the good faith efforts of Plaintiff United States of America (the “United States”) and Defendants Louisiana Tech University (“Louisiana Tech”), Louisiana State Superintendent of Education (“State Superintendent”), Louisiana Board of Elementary and Secondary Education (“BESE”), the University of Louisiana System (“ULS”), and Louisiana Board of Regents (the “Board of Regents”)<sup>1</sup> to address and resolve Louisiana Tech’s school desegregation obligations in its operation of the A.E. Phillips Laboratory School (“A.E. Phillips”), a public laboratory school located on Louisiana Tech’s campus serving students in grades K-8 who reside in Lincoln Parish, Louisiana. This Consent Order supersedes the Consent Decree, entered by this Court on July 13, 1984 (“1984 Consent Decree”), specifically as it pertains to actions required by Louisiana Tech, the State Defendants, and/or A.E. Phillips regarding the desegregation of A.E. Phillips. This Consent Order is jointly entered into by the United States, Louisiana Tech, and the State Defendants, who each 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 A.E. Phillips. Thus,

IT IS ORDERED that the Joint Motion to Approve Proposed Consent Order [Doc. No. 253] is GRANTED.

IT IS FURTHER ORDERED as follows:

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<sup>1</sup> Together, the State Superintendent, BESE, ULS, and the Board of Regents are the “State Defendants.”

-2-

## I. PROCEDURAL HISTORY

On June 8, 1966, the United States filed a complaint in this Court against Defendant Lincoln Parish School Board (“LPSB”), seeking to desegregate the *de jure* dual public school system in Lincoln Parish. *See* 1966 Complaint [Doc. No. 82-4]. On July 28, 1966, this Court entered a decree permanently enjoining LPSB from operating a racially segregated school system. *See* 1966 Decree [Doc. No. 82-5]. On August 1, 1969, the Court entered an order directing LPSB to “take affirmative action to disestablish all school segregation and to eliminate the effects of the dual school system” and to adopt a desegregation plan addressing student assignment (including inter- and intra-district transfers), faculty and staff, transportation, facilities, activities, and educational programs. 1969 Decree [Doc. No. 82-9]. That order was modified by decrees approved by the Court on August 5, 1970 and July 23, 1971, and replaced by a Superseding Consent Order entered by the Court on May 24, 2012 (“2012 Consent Order”). *See* 1970 Decree [Doc. No. 82-10]; 1971 Decree [Doc. No. 82-11]; 2012 Consent Order [Doc. No. 55]. The 2012 Consent Order was extended and modified by a Supplemental Court Order entered by the Court on June 1, 2015. *See* 2015 Supplemental Consent Order [Doc. No. 151]. The above-mentioned Orders did not address A.E. Phillips or the public laboratory schools operated by Defendant Grambling State University (“Grambling State”).

After commencing litigation to desegregate LPSB’s schools, the United States sought to enjoin additional defendants from operating segregated lab schools and to require all defendants to develop a plan to desegregate the lab schools. Thus, as a result of further litigation, this Court, on February 12, 1980, added as defendants to this case the State Superintendent, BESE, Grambling State, and Louisiana Tech. Order 1, Feb. 12, 1980 [Doc. No. 82-16]; Mem. Ruling

-3-

3, Feb. 12, 1980 [Doc. No. 82-17]. On April 30, 1980, the Court added ULS and the Regents as Defendants.<sup>2</sup> Order 1, Apr. 30, 1980 [Doc. No. 82-20].

Later, the Court noted that “[t]he state became involved in this action because the laboratory schools are run by the Louisiana State Board of Education and the respective university officials.” June 26, 1980 Minute Entry at 2 [Doc. No. 82-21]. The Court also added that “[t]he racial composition of these two [lab] schools became an issue in the Lincoln Parish School Board case” because of the Board’s role as a conduit for funds and materials to the lab schools, providing transportation to their students, and approving faculty selections. *Id.* at 1.

On July 13, 1984, the Court entered a Consent Decree (“1984 Consent Decree”), agreed upon and signed by the United States, State of Louisiana (the “State”), Grambling State, Louisiana Tech, and LPSB. The 1984 Consent Decree required Grambling State, Louisiana Tech, and LPSB to take a number of actions intended to desegregate the laboratory schools at the two universities. 1984 Consent Decree at 4-24 [Doc. No. 82-3]. With respect to A.E. Phillips, Louisiana Tech was required to implement new admissions procedures, engage in affirmative efforts to recruit black students and faculty, and file annual court reports. *Id.* at 22-24. The 1984 Consent Decree required the administrations of the laboratory schools and LPSB to cooperate in implementing the various remedial provisions. *Id.* at 23, 25.

Upon its own motion on August 14, 2008, the Court amended the 1970 Decree, reactivating this case and requiring LPSB to report annually certain enrollment and staffing information to the Court. Mem. Order 1, Aug. 14, 2008 [Doc. No. 2]. On December 14, 2009,

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<sup>2</sup> The Court also added the individual members of the Regents and Board of Trustees for State Colleges and Universities (“Board of Trustees”) as defendants. Apr. 30, 1980 Order 1. ULS was known as the Board of Trustees until 1998.

-4-

the Court ordered the United States to conduct a unitary status review. Mins. of Proceeding 1, Dec. 14, 2009 [Doc. No. 8]. During the course of that review, the United States identified continuing issues related to the desegregation of the laboratory schools, which it summarized for the Court in its May 24, 2011 Status Report [Doc. No. 25].

On May 13, 2013, the United States filed a Motion for Further Relief [Doc. No. 82] seeking a new desegregation plan for the laboratory schools. Louisiana Tech and Grambling State opposed the United States' Motion and each university cross-moved for a declaration of unitary status [Doc. Nos. 97-98, 104-105]. LPSB filed a motion to dismiss itself from the litigation regarding the lab school issues [Doc. No. 102]. Following briefing on the parties' various motions, the Court directed the parties to engage in negotiations to attempt to resolve the lab school issues. *See* Minute Entry, Sept. 9, 2013, 1-2 [Doc. No. 118].

On August 15, 2016, the Court issued a Ruling and Order dismissing LPSB from the laboratory school portion of this case and releasing LPSB from any obligation relative to the desegregation of the laboratory school systems operated by Louisiana Tech and Grambling State. *See* Aug. 15, 2016 Ruling [Doc. No. 231]; Aug. 15, 2016 Order [Doc. No. 232].

The United States and Louisiana Tech have engaged in good-faith negotiations since 2013 to resolve the outstanding desegregation issues at A.E. Phillips and all Parties agree that compliance with the terms of this Consent Order will further the desegregation of A.E. Phillips.

## **II. LEGAL STANDARDS**

A school system that was previously segregated by law and has not yet achieved unitary status has the affirmative duty to eliminate all vestiges of past discrimination to the extent practicable. *See Freeman v. Pitts*, 503 U.S. 467, 485 (1992); *Board of Educ. of Oklahoma City Pub. Sch. Dist. No. 89 v. Dowell*, 498 U.S. 237, 249-50 (1991); *Columbus Bd. of Educ. v. Penick*,

-5-

443 U.S. 449, 458-59 (1979); *Green v. County Sch. Bd. of New Kent County, Va.*, 391 U.S. 430, 437-38 (1968)). The affirmative duty to desegregate is a continuing responsibility, and “[p]art of the affirmative duty . . . is the obligation not to take any action that would impede the progress of disestablishing the dual system and its effects.” *Dayton Bd. of Education v. Brinkman*, 443 U.S. 526, 537-38 (1979).

The ultimate inquiry in determining whether a school system is unitary is whether it 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. See *Missouri v. Jenkins*, 515 U.S. 70, 88-89 (1995); *Freeman*, 503 U.S. at 491-92; *Dowell*, 498 U.S. at 248-50 (1991). 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 practicable. These factors are (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green*, 391 U.S. at 435-42.

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. *Freeman*, 503 U.S. at 490-91.

With respect to faculty and staff assignment, “the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will

-6-

the racial composition of a staff indicate that a school is intended for Negro students or white students.” *Singleton v. Jackson Mun. Sep. Sch. Dist.* 419 F.2d 1211, 1217-18 (5th Cir. 1969) (en banc), *rev’d in part on other grounds sub nom. Carter v. West Feliciana Parish Sch. Bd.*, 396 U.S. 290 (1970). The racial composition of the faculty at each school should reflect that of the system-wide faculty ratio. *Singleton*, 419 F.2d at 1218. Once the faculty racial composition at the schools is substantially similar to the system-wide faculty average, “[s]taff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.” *Id.* In determining whether a school system has satisfied its desegregation obligations in the areas of faculty and staff, the system must show a “sustained good faith effort to recruit minority faculty members so as to remedy the effects of any past discriminatory practices.” *Fort Bend Indep. Sch. Dist. v. City of Stafford*, 651 F.2d 1133, 1140 (5th Cir. 1981). As discussed below, the 1984 Consent Decree has resulted in the desegregation of A.E. Phillips with respect to transportation and extracurricular activities. However, further relief is required in the areas of student assignment, facilities, faculty, and staff.

### **III. STIPULATED FACTS**

#### **A. Overview of A.E. Phillips**

A.E. Phillips, a public lab school serving students in kindergarten through eighth grade, has been part of the system of public education serving students in Lincoln Parish, Louisiana since it was opened in approximately 1910. A.E. Phillips is primarily operated by the College of Education at Louisiana Tech. The school was founded in approximately 1910 as a “practice school” for the teacher training program at Louisiana Tech, which was then known as the Louisiana Industrial Institute. The practice school program was initially operated in the Lincoln Parish



-7-

public schools in Ruston until the practice school was built on Louisiana Tech's campus in 1915. The school was renamed A.E. Phillips in the 1940s. The school moved into its current facility on Louisiana Tech's campus in 1969. Louisiana Tech and A.E. Phillips are public schools that were formerly *de jure* white.

### **B. Operation and Funding of A.E. Phillips**

A.E. Phillips is funded through a combination of sources. The school receives its operational funding through the State's Minimum Foundation Program ("MFP"), which is received from the State and partially distributed to A.E. Phillips by LPSB. For a number of years, the overall MFP funding received by LPSB from the State has been based on a formula considering total public school student enrollment in Lincoln Parish—including LPSB schools, A.E. Phillips, and the former Grambling Lab Schools—and local tax contributions.<sup>3</sup> The MFP formula also includes factors that provide more funding for special classes of students (for example, at risk and special education students). Currently, LPSB distributes to A.E. Phillips a portion of the State MFP funds received from the State. Although LPSB also uses locally generated tax revenues to support its own schools and that contribution is a factor in the level of MFP funding received from the State, LPSB currently distributes a small amount of locally generated funds to A.E. Phillips. As a result, the total per pupil funding from public sources for A.E. Phillips is lower than the per pupil funding at LPSB's schools. Based on calculations using data from the 2008-09 through 2010-11 school years, A.E. Phillips' student population is 5.1 percent of the total public school student population in Lincoln Parish, but LPSB's contribution to A.E. Phillips represented 1.9 percent of its education revenues from state, local, and federal

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<sup>3</sup> As of the beginning of the 2016-2017 school year, the Grambling Lab Schools were converted to a K-12 charter school, now known as the Lincoln Preparatory School ("Lincoln Prep").

-8-

sources. See Expert Report of Nicholas D'Ambrosio, Jr., Dec. 4, 2012, at 3, 12 [Doc. No. 82-23]. In addition to the public funding received through LPSB, A.E. Phillips supports its operations through student tuition, currently set at \$2,200 per year. A.E. Phillips also provides scholarship support to some students.

For facilities maintenance and capital improvements, A.E. Phillips must use operational funds (including tuition); seek and obtain capital outlay funding from the State through Louisiana Tech, ULS, the Regents, and the State Legislature; or use privately raised funds. Currently, A.E. Phillips uses operational funding to pay fees to Louisiana Tech for facilities maintenance. The school also uses operational funding to pay back loans from Louisiana Tech used to complete two recent additions of new classrooms. Louisiana Tech recently has received some modest capital outlay assistance from the State to support A.E. Phillips for renovations and repairs but none for expansion.

A.E. Phillips is primarily responsible for its own day-to-day operations, with some involvement by LPSB, as governed by State law and/or contractual arrangements between the school and LPSB. LPSB's involvement includes, *inter alia*, (1) employing certain faculty and staff members who teach part-time or full-time at A.E. Phillips (*e.g.*, special education and gifted and talented teachers); (2) providing transportation to school for all A.E. Phillips students who live in Lincoln Parish and who request transportation; (3) identifying and evaluating students in need of special education and gifted and talented services, and providing limited<sup>4</sup> services to

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<sup>4</sup> For the 2015-2016 school year, there were 141 students in Lincoln Parish receiving gifted and talented ("GT") services. Fifty of the Parish's GT students, or 35.5%, were enrolled at A.E. Phillips during the 2015-2016 school year. LPSB employed five GT teachers, one of whom is serving full time at A.E. Phillips and works with thirty-one students. A second GT teacher came to A.E. Phillips twice a week for two hours each day and served nineteen students. In the fall of 2015, a black second grade student at A.E. Phillips was recommended by the School Building

-9-

those students; (4) permitting A.E. Phillips personnel to participate in professional development opportunities provided to LPSB personnel; and (5) permitting some A.E. Phillips students to participate in extracurricular activities, including athletic teams, not available at A.E. Phillips.

Louisiana Tech and LPSB have entered into contractual agreements over the years to delineate the roles and responsibilities each party has regarding the operation of A.E. Phillips, including with respect to the distribution of MFP funds and provision of in-kind services. In 2007, LPSB and Louisiana Tech entered into a memorandum of understanding (“2007 MOU”), which set forth the respective obligations of LPSB and Louisiana Tech. The 2007 MOU also provided for a new annual allocation from LPSB to Louisiana Tech, referred to as “greater equity funding,” based on a schedule of various 2007-level operating expenses and adjusted each year based on enrollment (but not adjusted for cost of living increases or inflation).

The 2007 MOU was superseded by a new MOU on July 8, 2016 (“2016 MOU”). Under the 2016 MOU, LPSB agreed to provide Louisiana Tech with \$1,000 per student enrolled at A.E. Phillips to assist with the school’s maintenance and operational expenses. Among other things, LPSB also agreed to disburse funding, including MFP and applicable local sales tax revenues, for A.E. Phillips faculty, administrative, and other staff on A.E. Phillips’ annual roster using the same faculty/student formula ratio implemented at LPSB’s schools. The 2016 MOU will

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Level Committee (“SBLC”) for an evaluation through the Lincoln Parish Pupil Appraisal Department. In November 2015, it was determined that the child qualified for Special Education services and a meeting was held in December to determine placement. Based upon the student’s diagnosis, it was determined that appropriate services could not be provided for the student at A.E. Phillips, and the Individualized Education Plan (“IEP”) Committee placed the student at a LPSB school. The placement was driven by the fact that a full time SPED teacher was not assigned to A.E. Phillips, and therefore the student could not be provided with the services she needed. By moving the student to another school in the Parish, the student would be provided the support needed.

-10-

remain in effect until July 30, 2017, and LPSB and Louisiana Tech agreed to negotiate a new MOU ninety (90) days before termination of the 2016 MOU.

### **C. Student Enrollment**

A.E. Phillips is a public laboratory school that admits students through a screening process involving an application and selection by a committee of school personnel. Most students are admitted to incoming kindergarten classes, although the school fills vacancies at other grade levels when they occur. A.E. Phillips admits students who reside in Lincoln Parish, Louisiana. The school maintains a sibling preference that prioritizes admission of students who have a sibling currently attending the school over other applicants.

A.E. Phillips' student population has always been predominantly white, and disproportionately white relative to the student enrollment in LPSB's schools and the former Grambling Lab Schools. Table 1 shows student enrollment, by race, for selected years between 1971-1972 and 2016-2017 for which data are available. In the 1985-1986 school year (one year after the 1984 Consent Decree), the school's student enrollment was 22.2 percent black, 74.1 percent white, and 3.8 percent other race. When the Court reactivated this case in 2008, the school's student enrollment was 11.6 percent black, 84.7 percent white, and 3.7 percent other race. The number and percentage of black students enrolled at A.E. Phillips has increased every year since the 2008-2009 school year. *See* Table 1.

According to the 1984 Consent Decree, “[s]everal Black students had been admitted [to A.E. Phillips], but significant progress toward desegregation had not been made” before 1975. 1984 Consent Decree at 22. With respect to student enrollment, the 1984 Consent Decree contained several requirements for admission of students to kindergarten, including setting age requirements and timelines for kindergarten applications, permitting “a balance by sex . . .

-11-

whenever possible,” requiring that minority student applicants be included in sibling preferences and other categories considered in the admissions process, and prioritizing admission of siblings of minority students over other siblings. 1984 Consent Decree at 22. The 1984 Consent Decree also required A.E. Phillips “to cooperat[e] with [the Grambling Lab Schools] in the referral of other-race applicants,” and to “vigorously recruit Black applicants through publicizing its programs in the Black community.” *Id.* at 23.

<b>Year</b>	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
<b>1971-1972</b>	6 (2.3%)	255 (97.7%)	0 (0.0%)	261
<b>1972-1973</b>	5 (1.9%)	259 (98.1%)	0 (0.0%)	264
<b>1974-1975</b>	6 (2.4%)	245 (97.6%)	0 (0.0%)	251
<b>1975-1976</b>	13 (5.1%)	244 (94.9%)	0 (0.0%)	257
<b>1979-1980</b>	31 (11.3%)	237 (86.5%)	6 (2.2%)	274
<b>1985-1986</b>	59 (22.2%)	197 (74.1%)	10 (3.8%)	266
<b>1986-1987</b>	52 (22.3%)	169 (72.5%)	12 (5.2%)	233
<b>1987-1988</b>	47 (18.7%)	198 (78.6%)	7 (2.8%)	252
<b>1992-1993</b>	43 (17.1%)	202 (80.5%)	6 (2.4%)	251
<b>2008-2009</b>	38 (11.6%)	277 (84.7%)	12 (3.7%)	327
<b>2009-2010</b>	43 (12.9%)	277 (83.2%)	13 (3.9%)	333
<b>2010-2011</b>	44 (13.2%)	277 (83.2%)	12 (3.6%)	333
<b>2011-2012</b>	47 (13.9%)	279 (82.3%)	13 (3.8%)	339
<b>2012-2013</b>	69 (18.4%)	290 (77.1%)	17 (4.5%)	376
<b>2013-2014</b>	73 (19.2%)	294 (77.2%)	14 (3.7%)	381
<b>2014-2015</b>	73 (19.3%)	294 (77.6%)	12 (3.2%)	379
<b>2015-2016</b>	77 (19.5%)	306 (77.5%)	12 (3.0%)	395
<b>2016-2017</b>	83 (21.0%)	298 (75.4%)	14 (3.5%)	395

A.E. Phillips has voluntarily used a variety of affirmative measures intended to increase the enrollment of black students at the school since 2008. These measures have included offering scholarships, increasing the number of total students through the addition of classrooms, considering its desegregation goals as a factor in the admissions process, and placing advertisements in the local newspaper and on the local cable news channel. As a result of classroom additions, A.E. Phillips has added one additional classroom to some grade levels.

-12-

The school currently offers five grade levels with two classrooms (enrolling 47-56 students in those grade levels), and four grade levels with one classroom (enrolling 34 students in those grade levels). *See* Table 2. The number of students in each year's graduating eighth grade class generally determines the number of kindergarten students who may be admitted the following year.

The increased capacity in the classrooms with two grade levels has resulted in the school admitting more black students. The average percent black enrollment in the five grade levels with two classrooms is 23.1 percent, compared to an average black enrollment of 16.2 percent in the four grade levels with only one classroom. Because of the school's preference for prioritizing the admission of siblings, entering classes with just one classroom typically have fewer openings for non-siblings than those classes with two classrooms, which can limit black student enrollment in those grades with just one classroom. Because the eighth grade has two classrooms during the 2016-2017 school year, the entering kindergarten class for the 2017-2018 school year will have two classrooms. However, based on the number of classrooms in the current fifth, sixth, and seventh grades, the entering kindergarten classes for the following three school years (2018-2019, 2019-2020, and 2020-2021) will only have one classroom without further expansion of the A.E. Phillips facility. The other current grade level with one classroom, third grade, will be replaced by the entering kindergarten class in the 2022-2023 school year; therefore, the full expansion of the A.E. Phillips facility must be complete before that school year.

Thus, the United States and Louisiana Tech agree that, in conjunction with the other requirements of this Consent Order, further expansion of the A.E. Phillips facility to two

-13-

classrooms per grade level would facilitate continued increases in black enrollment at A.E.

Phillips, while also permitting the continued use of a sibling preference.

As shown in Table 2, A.E. Phillips currently enrolls 395 students, of whom 83 (21.0 percent) are black, 298 (75.4 percent) are white, and 14 (3.5 percent) are another race. The total number of black students in the school has increased from 38 in 2008-2009 to 83 in 2016-2017. From the 2008-2009 to 2016-2017 school years, there was a corresponding increase in the number of white students from 277 to 298 students, respectively (with a peak of 306 white students in the 2015-2016 school year). The proportion of black students by grade level ranges from 5.9 percent in the current sixth grade to 37 percent in the current first grade class. This year's first grade class is 37 percent black and 63 percent white, representing the highest percentage of black student enrollment and lowest percentage of white student enrollment of any grade level at the school.

<b>TABLE 2:</b>					
<b>2016-2017 A.E. PHILLIPS STUDENT ENROLLMENT (BY GRADE)</b>					
<b>Grade</b>	<b># of Classrooms</b>	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
<b>K</b>	2	12 (24.0%)	35 (70.0%)	3 (6.0%)	50
<b>1</b>	2	20 (37.0%)	34 (63.0%)	0 (0.0%)	54
<b>2</b>	2	9 (17.3%)	43 (82.7%)	0 (0.0%)	52
<b>3</b>	1	5 (14.7%)	28 (82.4%)	1 (2.9%)	34
<b>4</b>	2	16 (28.6%)	38 (67.9%)	2 (3.6%)	56
<b>5</b>	1	7 (20.6%)	26 (76.5%)	1 (2.9%)	34
<b>6</b>	1	2 (5.9%)	31 (91.2%)	1 (2.9%)	34
<b>7</b>	1	8 (23.5%)	22 (64.7%)	4 (11.8%)	34
<b>8</b>	2	4 (8.5%)	41 (87.2%)	2 (4.3%)	47
<b>Total</b>		<b>83 (21.0%)</b>	<b>298 (75.4%)</b>	<b>14 (3.5%)</b>	<b>395</b>

However, the current percentage of black students at A.E. Phillips (21.0 percent) remains lower than the percentage of black students in the 1985-1986 school year (22.2 percent), the first year after the 1984 Consent Decree was entered. In addition, the overall student population at

-14-

A.E. Phillips remains disproportionately white relative to the K-8 student enrollment in LPSB's schools. See Table 3.

<b>TABLE 3:</b>				
<b>2016-2017 STUDENT ENROLLMENT COMPARISONS</b>				
	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
<b>LPSB schools (K-8)</b>	1,890 (49.7%)	1,620 (42.6%)	292 (7.7%)	3,802
<b>A.E. Phillips</b>	83 (21.0%)	298 (75.4%)	14 (3.5%)	395

The United States and Louisiana Tech agree that the student tuition at A.E. Phillips may be a barrier to increased enrollment of black students. During the 2015-2016 school year, 18 of the 395 students enrolled at A.E. Phillips qualified for free meals, based on federal family income eligibility guidelines, and no student qualified for reduced price meals. Of the 18 students who were eligible for free meals in 2015-2016, 100 percent were black (representing 23.4 percent of all black students enrolled at the school during that year). A.E. Phillips, however, does not currently participate in the federal free and reduced price meal program. Additionally, A.E. Phillips does not have large-scale meal preparation equipment onsite, and therefore student meals are prepared offsite by Louisiana Tech's contracted food services vendor. Under this arrangement, all students are charged \$3.75 (pre-paid) or \$5.00 (same-day payment) per day for lunch.

For the 2015-16 school year, A.E. Phillips provided partial scholarships to ten students, all of whom were black (representing 13 percent of all black students enrolled at the school during that year). Of the ten students who received scholarships, two students were awarded \$1,100 each (half-tuition) and eight were awarded \$835 (more than one-third tuition) each. This reflects a total of \$8,880 in scholarships issued out of A.E. Phillips' \$10,000 scholarship budget for the 2015-2016 school year.



-15-

To continue to further the desegregation of A.E. Phillips in the area of student enrollment, the United States, Louisiana Tech, and the State Defendants agree to the terms of this Consent Order, which will replace the student enrollment requirements of the 1984 Consent Decree. Louisiana Tech and the State Defendants may seek dismissal of the Court's supervision of A.E. Phillips in the area of student enrollment after A.E. Phillips maintains a black student enrollment reflective of the overall black student enrollment in LPSB's schools, as defined in Section IV.A below, or upon joint motion of the United States, Louisiana Tech, and the State Defendants upon a determination that Louisiana Tech and the State Defendants have, in good faith, made all practicable efforts to increase and sustain black student enrollment for a reasonable period of time. Before seeking dismissal, Louisiana Tech and the State Defendants must also meet the requirements reflected in Section VI below.

**D. Faculty and Staff**

The 1984 Consent Decree required that “[e]very effort will be made to recruit qualified Black teachers to apply for teacher vacancies as they occur at A.E. Phillips,” and that “[t]eachers will be hired based on non-discriminatory, race neutral criteria.” 1984 Consent Decree at 23. For the 2016-2017 school year, A.E. Phillips has 28 full-time and part-time faculty members (administrators, teachers, and instructional staff). Two of those faculty members are LPSB employees who are placed by LPSB to teach special education and gifted and talented classes at A.E. Phillips. The other 26 faculty members are Louisiana Tech employees. LPSB's funding contribution to A.E. Phillips includes the salaries for a certain number of faculty members, using a formula based on student enrollment. A.E. Phillips' teachers are paid according to the State salary schedule, like LPSB's teachers, plus an additional \$1,000 per teacher annually for their roles as mentors/supervisors for Louisiana Tech's College of Education candidates.

-16-

Table 4 shows the racial demographics of the A.E. Phillips faculty for selected years for which data are available from 1971-1972 to 2016-2017. The current faculty includes two black faculty members (7.1 percent), 25 white faculty members (89.3 percent), and one Latino faculty member (3.6 percent). The current percentage of black faculty members at A.E. Phillips is the same as in 1984, at the time the 1984 Consent Decree was entered, and lower than the following school years for which A.E. Phillips filed court reports. *See* Table 4. The current percentage of black faculty members is also lower than in LPSB's schools (11.3 percent black). *See id.*

	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
<b>1971-1972</b>	0 (0.0%)	13 (100.0%)	0 (0.0%)	13
<b>1984-1985</b>	1 (7.1%)	13 (92.9%)	0 (0.0%)	14
<b>1985-1986</b>	3 (17.6%)	14 (82.4%)	0 (0.0%)	17
<b>1986-1987</b>	4 (23.5%)	13 (76.5%)	0 (0.0%)	17
<b>1987-1988</b>	4 (23.5%)	13 (76.5%)	0 (0.0%)	17
<b>1992-1993</b>	4 (23.5%)	12 (70.6%)	1 (5.9%)	17
<b>2010-2011</b>	1 (4.5%)	21 (95.5%)	0 (0.0%)	22
<b>2011-2012</b>	1 (4.5%)	20 (90.9%)	1 (4.5%)	22
<b>2012-2013</b>	1 (4%)	23 (92%)	1 (4%)	25
<b>2013-2014</b>	1 (4%)	23 (92%)	1 (4%)	25
<b>2014-2015</b>	1 (3.6%)	26 (92.9%)	1 (3.6%)	28
<b>2015-2016</b>	2 (7.1%)	25 (89.3%)	1 (3.6%)	28
<b>2016-2017</b>	2 (7.1%)	25 (89.3%)	1 (3.6%)	28

Until the 2014-2015 school year, the only recent black faculty member at A.E. Phillips was an LPSB employee who was placed at A.E. Phillips to teach gifted and talented classes. There were four faculty vacancies after the 2014-2015 school year due to retirement, relocation, and teacher transfers. A.E. Phillips filled two of the four open faculty positions (including one vacancy created by the retirement of the former LPSB gifted and talented teacher) with black applicants. Both new black faculty members hired at the beginning of the 2015-2016 school year are now full-time employees.

-17-

<b>TABLE 5: 2016-2017 FACULTY &amp; STAFF COMPARISONS</b>				
	<b>Black</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
<b>LPSB schools</b>	49 (11.3%)	379 (87.7%)	4 (0.9%)	432
<b>A.E. Phillips</b>	2 (7.1%)	25 (89.3%)	1 (3.6%)	28

To continue to further the desegregation of A.E. Phillips in the areas of faculty and staff, the United States, Louisiana Tech, and the State Defendants agree to the terms of this Consent Order, which will supersede the faculty and staff requirements contained in the 1984 Consent Decree. Louisiana Tech and the State Defendants may seek dismissal of the Court's supervision of A.E. Phillips in the areas of faculty and staff assignment after A.E. Phillips increases the percentage of black faculty and staff members to a level comparable to that in LPSB's schools or upon joint motion of the United States, Louisiana Tech, and the State Defendants following the United States' determination that Louisiana Tech and the State Defendants have, in good faith, made all practicable efforts to increase and sustain the percentage of black faculty and staff members via its hiring and recruitment efforts, as defined in Section IV.B below, for a reasonable period of time. Before seeking dismissal, Louisiana Tech and the State Defendants must also meet the requirements reflected in Section VI below.

#### **E. Facilities**

A.E. Phillips constructed three new classrooms on its current campus in 2012 and 2015 to expand its enrollment capacity to 395 students.<sup>5</sup> The classroom additions were funded by a loan from Louisiana Tech, which is being paid back over time by A.E. Phillips using student tuition revenue. In addition to the classroom construction, A.E. Phillips installed a stage in its cafeteria/multi-purpose room in 2012 and renovated its restrooms in 2011, using parent

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<sup>5</sup> As noted in the Section III.C of this Consent Order, this expansion was intended to increase student capacity and facilitate the enrollment of additional black students.

-18-

donations, fundraising by the parent support organization, and student tuition revenues for both projects.

Louisiana Tech has determined that A.E. Phillips must be expanded further to meet its desegregation obligations and to finalize its transition from one classroom per grade to two classrooms per grade. The Parties agree that such an expansion would enable A.E. Phillips to increase student capacity and continue to increase the enrollment of black students, consistent with the enrollment patterns since 2008-2009 described above in Section III.C. This expansion may be accomplished through additions to the existing facility, construction of a new facility elsewhere on Louisiana Tech's campus, use of existing space in other facilities on Louisiana Tech's campus, or in other ways.

Through this Consent Order, Louisiana Tech agrees to either (i) seek necessary funding to complete a facilities expansion or expand by other means to facilitate further desegregation of A.E. Phillips in the areas of student enrollment, and faculty and staff, or (ii) desegregate A.E. Phillips' student body, faculty, and staff through other means described in this Order. Therefore, Louisiana Tech and the State Defendants may seek release from the Court's oversight of A.E. Phillips in the area of facilities either (1) when the desired facilities expansion is completed, or (2) if desegregation of the school's students, faculty, and staff is achieved through other means. Before seeking dismissal, Louisiana Tech and the State Defendants must also meet the requirements reflected in Section VI below.

**F. Extracurricular Activities and Transportation**

A.E. Phillips offers its students comparable extracurricular opportunities to those offered to students in grades K-8 in LPSB's schools. Currently, the school has a 4-H club, student council, cross-country team for students in grades 1-6, basketball teams for students in grades 6-

-19-

8, and cheerleading team for students in grades 6-8. In addition, A.E. Phillips students in grades 7-8 may practice and compete in the cross-country, football, soccer, baseball, softball, and track programs at Ruston Junior High School, because those sports are not offered at A.E. Phillips. LPSB provides transportation for some A.E. Phillips students to participate on select teams. A.E. Phillips students also participate in the LPSB's academic awards program. A.E. Phillips provides all students an opportunity to participate in extracurricular activities on a racially nondiscriminatory basis.

A.E. Phillips students are transported to school either (1) by automobile by their parents or guardians, or (2) by school bus operated by LPSB. A.E. Phillips does not independently provide transportation to its students. In 2012, the United States determined that LPSB provides transportation to all eligible students, including those students enrolled at A.E. Phillips, on a nondiscriminatory basis. Based on this finding, the 2012 Consent Order entered by this Court declared LPSB partially unitary in the area of transportation. Thus, Louisiana Tech and the State Defendants are entitled to dismissal of the Court's supervision of A.E. Phillips with respect to extracurricular activities and transportation.

#### **IV. STIPULATED REMEDIAL MEASURES**

Louisiana Tech and the State Defendants agree to take the following measures to address the outstanding student enrollment, facilities, faculty, and staff issues at A.E. Phillips, as described above in Section III. Louisiana Tech, the State Defendants, and the United States agree, and the Court finds, that such relief, as detailed below, if fully implemented, reasonably promises to correct the remaining student enrollment, facilities, faculty, and staff issues. To the extent Louisiana Tech's compliance with this Consent Order is insufficient to accomplish the

-20-

goals set forth herein, however, Louisiana Tech, the State Defendants, and the United States may, separately or jointly, move this Court for further relief, as appropriate.

**A. Student Enrollment**

By the beginning of the 2020-2021 school year, Louisiana Tech shall increase the percentage of black students enrolled at A.E. Phillips so that it is within plus or minus 20 percentage points of the percentage of black students enrolled in grades K-8 in LPSB's schools.<sup>6</sup> A.E. Phillips shall thereafter exercise good faith efforts to maintain the percentage of black students enrolled in the school within that range. To accomplish these enrollment targets, Louisiana Tech and A.E. Phillips agree to take the following actions:

1. *Admissions Targets*

Beginning with the admissions process for the kindergarten class entering in the 2016-2017 school year, A.E. Phillips will establish a targeted percentage enrollment of black students to be within plus or minus 20 percentage points of the percentage of black students in kindergarten in LPSB's schools in the year in which admissions decisions are made. The admissions process will consider past admissions and enrollment patterns (*e.g.*, admissions yield rates by race) in reaching the enrollment targets. A.E. Phillips will take affirmative steps to reach the targeted black student enrollment for each entering kindergarten class.

2. *Increase Overall Student Enrollment*

Louisiana Tech will add (i) a second classroom to the kindergarten class entering in the 2018-2019 school year, (ii) a second classroom to the kindergarten class entering in the 2019-2020 school year, (iii) a second classroom to the kindergarten class entering in the 2020-2021

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<sup>6</sup> If A.E. Phillips changes the grade levels it serves during the term of this Consent Order (*i.e.*, by eliminating grade levels or expanding service beyond grades K-8), the benchmark will be the enrollment of black students in the same grade levels in LPSB's schools.

-21-

school year, for a total of 50 students in each entering kindergarten class in those years, and (iv) at least two students to the first grade classes in each of the 2016-2017, 2017-2018, 2018-2019, and 2020-2021 school years, with the specified enrollment targets for black students shown on Exhibit A. Overall, the target enrollment for grades 1-8 will be 52 students per grade. The net increase of students enrolled at A.E. Phillips by the beginning of the 2020-2021 school year will be 50-60 students, for a total enrollment of approximately 450 students, ultimately resulting in an increase in black student enrollment substantially similar to Exhibit A.

When the seventh grade class of 2020-2021 graduates from A. E. Phillips in the spring of 2022, Louisiana Tech will add a second classroom to the kindergarten class entering in the 2022-2023 school year for a total of 50 kindergarten students with an enrollment target similar to previous years to maintain the school-wide percentage of black students within the plus or minus 20 percentage point goal. With the addition of the second kindergarten class for fall 2022, A.E. Phillips will have two classes per grade level.

Louisiana Tech will make bona fide efforts to increase enrollment capacity through the use of temporary/portable classrooms, expansion of the existing facility, construction of a new facility, finding classroom space in other areas of the Louisiana Tech campus, or in other ways.

If, despite reasonable, good faith efforts, Louisiana Tech is unable to expand the physical capacity of A.E. Phillips by adding a second kindergarten class for the 2018-2019 and 2019-2020

-22-

school years,<sup>7</sup> the school will modify its admissions preferences by January 1, 2020 or before the beginning of the admissions process for the 2020-2021 school year, whichever occurs earlier, for all new kindergarten classes in the 2020-2021 school year and all subsequent years, as set forth in Section IV.A.6 below.

3. *Recruitment of Black Students*

Within 60 days of entry of this Consent Order, A.E. Phillips will develop a plan, for the United States' review and approval, to affirmatively recruit black students for entering kindergarten classes and available vacancies in higher grade levels. Within fourteen (14) days after entry of this Consent Order, Louisiana Tech and A.E. Phillips will request that the South Central Collaborative for Equity / Intercultural Development Research Association, also known as the Equity Assistance Center for Region II ("Equity Center"), provide technical advice regarding the development of the black student recruitment plan if the Equity Center is available to provide such advice.<sup>8</sup> The United States will provide comments on the proposed plan, if any, within 60 days after receiving the plan. The United States and Louisiana Tech will engage in

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<sup>7</sup> If (i) by December 31, 2017 or before the beginning of the admissions process for the 2018-2019 school year, whichever occurs earlier, Louisiana Tech is unable to develop a funding plan or proposal to expand A.E. Phillips' physical capacity to enable it to add a second kindergarten class for the 2018-2019, 2019-2020, 2020-2021, and 2022-2023 school years in compliance with Section IV.C, or (ii) the United States determines that A.E. Phillips cannot or is unlikely to reach a black student enrollment that is within plus or minus 20 percent of LPSB's black student enrollment by the 2020-2021 school year as reflected by the enrollment targets in this Consent Order, the United States may seek Court approval to implement the Modified Admissions Preferences (or an Alternate Plan proposed by A.E. Phillips and reviewed by the United States) starting with the admissions process for the 2018-2019 school year. Prior to submitting such motion to the Court, the United States will consult with A.E. Phillips and Louisiana Tech.

<sup>8</sup> The Equity Center's services will be provided at no cost to A.E. Phillips or Louisiana Tech, except for incidental travel-related expenses (e.g., lodging, airfare, meals) to the extent that the Equity Center's representatives need to travel to Lincoln Parish.



-23-

good faith efforts to resolve any disagreements within a reasonable period of time. The school's recruitment plan should include, at minimum, the following elements:

- a. Outreach to families of children enrolled in LPSB's Early Childhood Center, all Head Start programs serving students who reside in Lincoln Parish, and other prekindergarten programs in Lincoln Parish serving significant numbers of black children, to the extent practicable;
- b. Advertising and marketing efforts to recruit black students and families through local media, electronic mail, and/or direct mail;
- c. Outreach to black community organizations and churches;
- d. Outreach to local businesses and business organizations that are owned by and/or serve significant numbers of potential black students and families;
- e. Strategies to publicize the availability of scholarships and/or tuition discounts as well as free and reduced price meals for eligible families, with particular emphasis on members of the black community; and
- f. Collaboration with LPSB and Lincoln Prep on student recruitment efforts.

4. *Reduce Barriers to Enrollment of Black Students*

To reduce or eliminate the financial barriers to enrollment disproportionately faced by black students, A.E. Phillips will eliminate tuition for all admitted black students requesting such assistance and who meet federal eligibility guidelines for the free meal program by the beginning of the 2016-2017 school year. Tuition will be reduced proportionately<sup>9</sup> for all admitted black

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<sup>9</sup> Students who meet federal eligibility guidelines for the reduced priced meal program are charged one-half the cost of meals provided by LPSB. Therefore, for students meeting these eligibility guidelines at A.E. Phillips, the cost of tuition would be reduced by one-half.

-24-

students requesting such assistance and who meet federal eligibility guidelines for the reduced priced meal program by the beginning of the 2016-2017 school year.

Upon request, A.E. Phillips will also provide free lunch for all admitted black students who are eligible for free lunch under the federal guidelines, and reduced price lunch at the price charged by LPSB for reduced price lunch in its schools to all admitted black students who are eligible for reduced price lunch under the federal guidelines.

A.E. Phillips will advertise—with particular emphasis on targeting families in the black community—the availability of full and partial scholarships/tuition assistance and for free and reduced price lunch for eligible students in its publicity efforts, marketing materials, and admissions-related documents.

5. *Classroom Assignments*

For all grade levels with at least two classrooms, A.E. Phillips will make classroom placements in a manner that ensures that the percentage of black students in all classrooms at A.E. Phillips is within plus or minus 15 percentage points of the percentage of all black students in that grade level at A.E. Phillips.

6. *Modified Admissions Preferences*

If despite reasonable, good faith efforts, Louisiana Tech is unable to expand A.E. Phillips' physical capacity by adding a second kindergarten class for the 2018-2019 and 2019-2020 school years,<sup>10</sup> the admissions process for A.E. Phillips students will be modified by January 1, 2020 or before the beginning of the admissions process for the 2020-2021 school

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<sup>10</sup> See *supra* note 7.

-25-

year, whichever occurs earlier, for all new kindergarten classes entering in the 2020-2021 school year and all subsequent school years, as follows:

a. After the application deadline for new students closes, A.E. Phillips will annually determine: (1) the number of applicants who are eligible for the sibling preference, by race; (2) the number of kindergarten slots open to non-siblings; and (3) whether the school can meet the annual percentage targets for black student enrollment specified in this Consent Order, considering the racial composition of eligible sibling applicants, other applicants, and the space available for non-siblings.

b. If A.E. Phillips is unable to meet the annual percentage targets for black student enrollment contained in this Consent Order after conducting the analysis described in Section IV.A.6.a:

(i) A.E. Phillips will give the same admissions preference to sibling applicants of all races and non-sibling black applicants. Any remaining slots will be filled with other non-sibling applicants.

(ii) If the number of all sibling applicants and non-sibling black applicants exceeds the number of spaces available in the entering kindergarten class, A.E. Phillips will admit (1) all black applicants who are siblings of current students, and (2) non-sibling black applicants to the extent necessary to achieve the annual percentage targets for black student enrollment. Thereafter, A.E. Phillips will conduct a lottery of all other sibling applicants to fill the spaces available in kindergarten at the school.

#### 7. *Alternate Plan*

In lieu of the procedure set forth in sub-paragraphs 6.a and 6.b above and in order to retain A.E. Phillips' current sibling admissions policy, Louisiana Tech may seek Court approval

-26-

for an alternate plan by which two classrooms per grade will be formed (the “Alternate Plan”). Before seeking approval from the Court, Louisiana Tech will consult with the State Defendants to the extent necessary and will submit the Alternate Plan to the United States for review. The United States will provide comments on the proposed Alternate Plan, if any, within 60 days of receiving the plan. The United States, Louisiana Tech, and the State Defendants will engage in good faith efforts to resolve any disagreements regarding the Alternate Plan within a reasonable period of time.

**B. Faculty and Staff**

A.E. Phillips shall conduct hiring for all employment vacancies on a racially nondiscriminatory basis and will take affirmative measures to recruit black candidates for administrator, teacher, certified staff, and other staff vacancies at the school. A.E. Phillips shall conduct its hiring with the goal of increasing and maintaining the percentage of black faculty and staff members to a level comparable to that in LPSB’s schools.

For faculty and staff hiring, A.E. Phillips will:

1. Include a field on the school’s application for employment requesting an applicant for employment to self-identify the applicant’s race;
2. For each employment vacancy, track the race of all applicants for that vacancy;
3. Track the race of all newly hired faculty and staff members;
4. Retain applications for employment for a period not less than three years, and for vacancies that arise during that period, consider all previous applicants for employment who qualify for the vacant position unless an applicant has affirmatively withdrawn from consideration for future vacancies; and

-27-

5. Maintain records, with each such record to be maintained for a period of not less than three years, relating to the hiring, promotion, demotion, or separation from employment of persons to all employment positions at A.E. Phillips, including teaching, administration, certified staff, non-certified staff, and other paid positions (*e.g.*, coaching and advising) (including, but not limited to, application forms and related documents, interview protocols, interview notes, recommendations). For all individuals who separate from employment, the school will maintain a record of whether the individual resigned, retired, or was terminated.

For faculty recruitment, A.E. Phillips will, with assistance from Louisiana Tech:

1. Implement recruitment efforts (*e.g.*, participate in job fairs, conduct on-campus interviews, communicate with teacher organizations) at historically black colleges and universities (“HBCUs”) in Louisiana and neighboring states with schools of education, and/or with teacher preparation programs that educate experienced teachers and/or offer job placement assistance for experienced teachers;<sup>11</sup>

2. Post notices of employment vacancies at least fourteen (14) calendar days before the application deadline on A.E. Phillips’ and Louisiana Tech’s websites, TeachLouisiana.net, at least one online job bank targeted to black educators seeking employment, LPSB’s website (if possible), as well as one or more print advertisements in local, regional, or national publications, and maintain a copy of all such postings and advertisements; and

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<sup>11</sup> In Louisiana, HBCUs with schools of education and/or teacher education programs include: Grambling State University, Dillard University, Southern University at Shreveport, Southern University and A&M College, Southern University at New Orleans, and Xavier University of Louisiana. Other HBCUs with education programs within a 200-mile radius of Louisiana Tech include Philander Smith College (AR), University of Arkansas at Pine Bluff (AR), Alcorn State University (MS), Jackson State University (MS), Mississippi Valley State University (MS), Tougaloo College (MS), Jarvis Christian College (TX), Texas College (TX), and Wiley College (TX).

-28-

3. Send notices of all administrator, teacher, and certified staff vacancies to the education placement officials at every historically black college and university in Louisiana with a school of education or teacher preparation program, as well as all historically black colleges and universities with a school of education within a 200-mile radius of Louisiana Tech (listed in footnote 11);

**C. Facilities**

In connection with Section IV.A.2 of this Consent Order, Louisiana Tech shall develop a funding plan or proposal to expand A.E. Phillips' physical capacity to enable it to add a second kindergarten class for the 2018-2019, 2019-2020, 2020-2021, and 2022-2023 school years. Louisiana Tech shall submit the funding plan or proposal to the United States by December 31, 2017 or before the beginning of the admissions process for the 2018-2019 school year, whichever occurs earlier.

**V. MONITORING AND REPORTING**

**A. October 15 Report**

On or before October 15 of each year during the term of this Consent Order (the "October 15 Report"),<sup>12</sup> Louisiana Tech shall produce to the United States and shall file with the Court a report containing the following information:

a. The number and percentage of all students by race separately for each grade level and by total school-wide enrollment.

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<sup>12</sup> If October 15 occurs on a weekend in a given calendar year, Louisiana Tech shall file the report not later than the next business day immediately after October 15. However, the first October 15 Report shall be filed no later than forty-five (45) days after the Court enters this Consent Order.

-29-

b. For the current school year, the net difference in the number and percentage of black students school-wide and by grade level in comparison to the previous school year and projected black student enrollment through the 2020-2021 school year in an updated version of Exhibit A or a similar format. The annually updated version of Exhibit A will show A.E. Phillips' actual progression toward reaching a targeted black student enrollment that is within plus or minus 20 percent of LPSB's black student enrollment, starting in the 2016-2017 school year and continuing through the 2020-2021 school year.

c. A spreadsheet in an electronic format (such as Microsoft Excel or a compatible program) containing a list of all students with separate columns identifying each student's assigned homeroom teacher, name, race, grade, the Parish in which the student resides, whether the student is eligible for and/or receiving free or reduced price student meals under the federal guidelines. For all scholarships or waivers of a student's tuition in full or in part, Louisiana Tech shall indicate such full scholarships or full tuition waivers and/or the amount of such partial tuition charged (on an annualized basis) in a separate column. This portion of the October 15 Report shall be filed under seal.

d. A list of all administrators, teachers, and certificated staff, indicating each employee's job title, position, and race, whether the individual is an employee of Louisiana Tech and/or A.E. Phillips or LPSB, and whether the employee was newly hired or assigned to A.E. Phillips for the current school year. The report shall also state the percentage of faculty and staff school-wide by race.

e. A narrative description of A.E. Phillips' and Louisiana Tech's efforts to implement this Consent Order by reducing barriers to black student enrollment and to further its desegregation efforts, specifically with respect to student enrollment, facilities, faculty, and staff.

-30-

**B. Modified Admissions Preference Court Report**

If despite reasonable, good faith efforts, Louisiana Tech is unable to expand A.E. Phillips' physical capacity by adding a second kindergarten class for the 2018-2019 and 2019-2020 school years or if the contingency contemplated in footnote 7 occurs,<sup>13</sup> Louisiana Tech shall submit to the United States and file with the Court a report describing in detail its implementation of the modified admissions preference for all incoming kindergarten classes ("Modified Admissions Preference Court Report"), as reflected in Section IV.A.6 above. Louisiana Tech shall produce and file the first Modified Admissions Preference Report as soon as possible after the completion of the admissions process for the upcoming school year but in any event not later than thirty (30) days before the beginning of each school year, continuing each school year thereafter for the term of this Consent Order.

**C. Supplemental Reporting**

To supplement its formal reports, Louisiana Tech shall periodically provide informal updates to the United States as appropriate (either by request of the United States and/or upon the initiative of Louisiana Tech) regarding its efforts to implement this Consent Order, including its efforts to obtain funding for and realize A.E. Phillips' facilities expansion and to reduce barriers to the enrollment of black students.

**D. Preservation of Records**

Louisiana Tech, A.E. Phillips, and the State Defendants shall preserve all records concerning the implementation of this Consent Order for the duration of the Order, unless a

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<sup>13</sup> *See supra* note 7. If the contingency contemplated in footnote 7 occurs, the Modified Admissions Preference Court Report would be due as early as the 2018-2019 school year to reflect the implementation of the Modified Admissions Preference during the 2018-2019 admissions process.



-31-

different time period is specified. Upon request by the United States, Louisiana Tech, the State Defendants, and/or A.E. Phillips shall produce or make available for inspection and copying records maintained in connection with their compliance with this Consent Order, including the student admissions process and hiring and recruitment of faculty and staff, to the United States.

**E. Site Visits**

Louisiana Tech, A.E. Phillips, and the State Defendants agree that the United States may conduct on-site reviews of A.E. Phillips to evaluate compliance with this Consent Order upon reasonable notice to and in consultation with A.E. Phillips.

**F. Prior Orders**

All other orders of this Court not inconsistent herewith shall remain in full force and effect.

**VI. FINAL TERMINATION**

Having found that Louisiana Tech and the State Defendants have satisfied their desegregation obligations in the areas of transportation and extracurricular activities in the operation of A.E. Phillips, the Court hereby withdraws its supervision over those areas of operation of A.E. Phillips. With respect to A.E. Phillips, continued judicial supervision of Louisiana Tech and the State Defendants will be limited to student enrollment, facilities, faculty, and staff, and the implementation of this Consent Order.

The United States, Louisiana Tech, and the State Defendants agree to negotiate in good faith all disputes that may arise, and any party will have the right to seek judicial resolution of all issues related to compliance with this Consent Order. The Court may amend this Consent Order upon joint motion of the United States, the State Defendants, and Louisiana Tech, upon motion of any of them, or *sua sponte*.

-32-

Louisiana Tech and the State Defendants may move for dismissal of this Court's supervision of A.E. Phillips on the issues of student enrollment, facilities, faculty, and staff upon full compliance with the terms of this Consent Order, a showing that Louisiana Tech and State Defendants have taken all practicable measures to desegregate A.E. Phillips, and a showing that Louisiana Tech has not taken any action that impedes the orderly desegregation of A.E. Phillips or violates the Fourteenth Amendment to the U.S. Constitution with respect to the operation of A.E. Phillips. Such motion may be filed with this Court no sooner than ninety (90) days after the submission of Louisiana Tech's October 15, 2021 court report.

**SO ORDERED, ADJUDGED, AND DECREED,**

MONROE, LOUISIANA, this 1<sup>st</sup> day of November, 2016.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE

-33-

Agreed as to Form and Content:

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-34-

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BOARD OF REGENTS, AND LOUISIANA  
BOARD OF ELEMENTARY AND  
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## Exhibit A

## A.E. Phillips Projected Classroom Additions and Black Student Enrollment Targets

	2015-16 [Actual]	2016-17 [Actual]	2017-18 (Projected)	2018-19 (Projected)	2019-20 (Projected)	2020-21 (Projected)
<b>K</b>	2 classrooms 50 students [16B, 32.0%]	2 classrooms 50 students [12B, 24.0%]	2 classrooms 50 students (Target new: 16B, 32.0%)	2 classrooms 50 students <i>+1 new classroom</i> (Target new: 16B, 32.0%)	2 classrooms 50 students <i>+1 new classroom</i> (Target new: 18B, 36.0%)	2 classrooms 50 students <i>+1 new classroom</i> (Target new: 19B, 38.0%)
<b>1</b>	2 classrooms 52 students [9B, 17.3%]	2 classrooms 54 students [20B, 37.0%]	2 classrooms 52 students <i>+ 2 new students</i> (Target new: 1B) (13B, 25.0%)	2 classrooms 52 students <i>+ 2 new students</i> (Target new: 1B) (17B, 32.7%)	2 classrooms 52 students <i>+ 2 new students</i> (Target new: 1B) (17B, 32.7%)	2 classrooms 52 students <i>+ 2 new students</i> (Target new: 1B) (19B, 36.5%)
<b>2</b>	1 classroom 34 students [5B, 14.7%]	2 classrooms 52 students [9B, 17.3%]	2 classrooms 54 students (20B, 37.0%)	2 classrooms 52 students (13B, 25.0%)	2 classrooms 52 students (17B, 32.7%)	2 classrooms 52 students (17B, 32.7%)
<b>3</b>	2 classrooms 54 students [15B, 27.8%]	1 classroom 34 students [5B, 14.7%]	2 classrooms 52 students (9B, 17.3%)	2 classrooms 54 students (20B, 37.0%)	2 classrooms 52 students (13B, 25.0%)	2 classrooms 52 students (17B, 32.7%)
<b>4</b>	1 classroom 34 students [6B, 17.6%]	2 classrooms 56 students [16B, 28.6%]	1 classroom 34 students (5B, 14.7%)	2 classrooms 52 students (9B, 17.3%)	2 classrooms 54 students (20B, 37.0%)	2 classrooms 52 students (13B, 25.0%)
<b>5</b>	1 classrooms 34 students [4B, 11.8%]	1 classroom 34 students [7B, 20.6%]	2 classrooms 56 students (16B, 28.6%)	1 classroom 34 students (5B, 14.7%)	2 classrooms 52 students (9B, 17.3%)	2 classrooms 54 students (20B, 37.0%)
<b>6</b>	1 classroom 34 students [7B, 20.6%]	1 classrooms 34 students [2B, 5.9%]	1 classroom 34 students (7B, 20.6%)	2 classrooms 56 students (16B, 28.6%)	1 classroom 34 students (5B, 14.7%)	2 classrooms 52 students (9B, 17.3%)
<b>7</b>	2 classrooms 52 students [6B, 11.5%]	1 classroom 34 students [8B, 23.5%]	1 classroom 34 students (2B, 5.9%)	1 classroom 34 students (7B, 20.6%)	2 classrooms 56 students (16B, 28.6%)	1 classroom 34 students (5B, 14.7%)
<b>8</b>	2 classrooms 51 students [9B, 17.6%]	2 classrooms 47 students [4B, 8.5%]	1 classroom 34 students (8B, 23.5%)	1 classroom 34 students (2B, 5.9%)	1 classroom 34 students (7B, 20.6%)	2 classrooms 56 students (16B, 28.6%)
<b>Sum</b>	14 classrooms 395 total students  <i>Total Black:</i> 77 [19.5%]	14 classrooms 395 total students  <i>Total Black:</i> 83 [21.0%]	14 classrooms 400 total students  -348 returning (79B) -50 new in K (Target new in K: 16B) -2 new in 1 <sup>st</sup> grade (Target new in 1 <sup>st</sup> : 1B)  <i>Total Black (Target):</i> 96 (24.0%)	15 classrooms (1 new) 418 total students  -366 returning (88B) -50 new in K (Target new in K: 16B) -2 new in 1 <sup>st</sup> grade (Target new in 1 <sup>st</sup> : 1B)  <i>Total Black (Target):</i> 105 (25.1%)	16 classrooms (1 new) 436 total students  -384 returning (103B) -50 new in K (Target new in K: 18B) -2 new in 1 <sup>st</sup> grade (Target new in 1 <sup>st</sup> : 1B)  <i>Total Black (Target):</i> 122 (28.0%)	17 classrooms (1 new) 454 total students  -402 returning (115B) -50 new in K (Target new in K: 19B) -2 new in 1 <sup>st</sup> grade (Target new in 1 <sup>st</sup> : 1B)  <i>Total Black (Target):</i> 135 (29.7%)

Grey shading: added classroom

Yellow shading: new students added to existing classroom