

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

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

UNITED STATES' STATUS REPORT

Pursuant to this Court's April 19, 2011 Order, the United States hereby submits this status report addressing: (1) the results of its unitary status review of the Lincoln Parish School Board (the "Board"), and (2) its findings and recommendations regarding lab schools located at Louisiana Tech University ("LTU") and Grambling State University ("GSU"), including its recommendation that the lab school issues remain in this case and be addressed and considered jointly with the outstanding desegregation obligations of the Board. In its status reports filed with the Court on January 24, 2011 and March 3, 2011, and in its Motion for Extension of Time to File a Status Report Regarding the Lab Schools filed on April 18, 2011, the United States described its progress and preliminary findings on both issues, and refers the Court to those documents regarding the actions taken prior to April 18, 2011.

The United States has notified the Defendants of its findings, its recommendation that the lab school issues be considered jointly with the desegregation issues in the Board's schools, and its proposal to enter negotiations to voluntarily resolve these issues out of court. The Defendants have agreed to this approach and the United States will initiate negotiations in the near future.

I. LINCOLN PARISH SCHOOL BOARD

The United States has substantially completed its review of the Board's compliance with its obligations under the operative orders in this case. Based on that review, the United States has concluded that the Board has satisfactorily demonstrated that it has complied with its desegregation obligations in the areas of facilities and extracurricular activities, but that the Board has not met its affirmative burden of establishing compliance in the areas of student assignment, faculty, and transportation, for the reasons described below.

A. Student Assignment

Within the Ruston zone, three of the four elementary schools have racially identifiable student bodies, despite the fact that zone-wide, 39.2 percent of students are white and 57.2 percent are black (district-wide, the black and white student populations are virtually evenly split). As indicated in the table below, Ruston Elementary School and Cypress Springs Elementary School are racially identifiably black, while Hillcrest Elementary School is predominantly white. Ruston Elementary is 89.3% black (32.1 percentage points above the zone-wide average and 41.7 percentage points above the district-wide average). Cypress Springs Elementary is 88.1 percent black (30.9 percentage points above the zone-wide average and 40.5 percentage points above the district-wide average). In contrast, Hillcrest Elementary School is 26.2% black (31 percentage points below the zone-wide average and 21.4 percentage points below the district-wide average) and 69.4 percent white (30.2 percentage points above the zone-wide average and 20.7 percentage points above the district-wide average).

Factors contributing to the racial identifiability of these schools include the current attendance zone boundaries and the district's intra-district transfer policies. Of most concern is the predominantly black Ruston Elementary attendance zone, which is, in fact, two non-

contiguous zones to the north and south of the geographically compact and predominantly white Hillcrest attendance zone. The two Ruston Elementary zones are approximately five miles apart at their nearest points. The Hillcrest zone also directly borders the predominantly black Cypress Springs zone. The district’s transfer policy, which permits intra-district transfers for a range of factors and in practice enables many white students to transfer from majority-black to majority-white schools, further exacerbates the racial identifiability of the elementary schools.

Finally, the district’s two alternative schools, Lincoln Center and Lincoln Parish Career Academy, have overwhelmingly black student bodies: Lincoln Center is 98 percent black and Lincoln Parish Career Academy is 85.6 percent black. The schools serve students who are academically under-performing, have discipline problems, or have other risk factors. The United States suggests the Board undertake a review of its alternative school assignment policies and practices to determine whether the racial identifiability of these schools is attributable to impermissible racial discrimination and, if so, to take appropriate corrective actions.

Ruston Zone—Student Demographics (2010-2011)

School	White	Black	Other	Total
Cypress Springs Elem. (K-5)	41 (8.7%)	415 (88.1%)	15 (3.2%)	471
Glen View Elem. (K-5)	331 (51.7%)	274 (42.8%)	35 (5.5%)	640
Hillcrest Elem. (K-5)	315 (69.4%)	119 (26.2%)	20 (4.4%)	454
Ruston Elem. (K-5)	37 (8.3%)	399 (89.3%)	11 (2.5%)	447
I.A. Lewis (6)	121 (43.5%)	152 (54.7%)	5 (1.8%)	278
Ruston Junior High (7-8)	183 (37.3%)	291 (59.3%)	17 (3.5%)	491
Ruston HS (9-12)	552 (49.5%)	527 (47.2%)	37 (3.3%)	1116
Lincoln Center (Alt.)	1 (2.0%)	50 (98.0%)	0 (0.0%)	51
Lincoln Parish Career Acad. (Alt.)	12 (10.8%)	95 (85.6%)	4 (3.6%)	111
<i>Zone-wide</i>	1593 (39.2%)	2322 (57.2%)	144 (3.5%)	4059
<i>District-wide</i>	2789 (48.7%)	2727 (47.6%)	211 (3.7%)	5727

B. Faculty

Faculty assignment in the Ruston zone furthers the racial identifiability of the schools listed above. The proportion of black faculty members at three of the four identifiably black schools in Ruston far exceeds the district-wide average of 14.3 percent black. At Ruston Elementary School, 13 of 32 teachers (40.6 percent) are black, 26.3 percentage points above the district-wide average. At Lincoln Center, four of ten teachers (40 percent) are black, 25.7 percentage points above the district-wide average. At Lincoln Parish Career Academy, eight of 14 teachers (57.1 percent) are black, 42.8 percentage points above the district-wide average. In contrast, the percentage of black teachers at the other schools in the Ruston zone are below the district-wide average, ranging from 6.7 percent at Ruston High School to 13.3 percent at Hillcrest Elementary School.

C. Transportation

The use of two non-contiguous attendance zones for Ruston Elementary School requires that African American students who reside in the northern zone must be transported through the racially integrated Glen View Elementary School attendance zone and through and/or past the predominantly white Hillcrest Elementary School attendance zone to get to Ruston Elementary School, which is physically located in the southern zone. In addition to furthering the racial identifiability of Ruston Elementary School and Hillcrest Elementary School, this practice places an excessive burden on black students in the northern Ruston Elementary zone, who must travel significantly greater distances to get to school than white students in the small Hillcrest zone.

D. Other Issues

The United States is continuing to review data provided by the Board on classroom assignment and student discipline. Upon completion of its review of this data, the United States

will supplement this status report to the extent it identifies any additional issues related to the Board's compliance with its desegregation obligations.

E. Proposed Actions

The United States has notified the Board of the issues described herein, and the United States and the Board have agreed to proceed in good faith to negotiate a voluntarily consent decree to address these issues. To the extent the parties are unable to reach an agreement on one or more of these issues within a reasonable period of time, the United States will petition the Court for further relief.

II. LAB SCHOOLS

This section: (a) summarizes the history of the desegregation case with respect to the lab schools, (b) identifies issues regarding the lab schools' compliance with their obligations under the 1984 Consent Decree in this case, and (c) recommends to the Court that the outstanding lab school issues be resolved jointly with the other issues in this case.

A. Background

On July 16, 1984, the United States, LTU, GSU, and the Board entered into a consent decree (the "1984 Consent Decree") to eliminate the vestiges of segregation at the lab schools. Prior to the 1984 Consent Decree, the Alma J. Brown Laboratory School at GSU¹ had been designated and was identifiable as a black school, whereas A.E. Phillips Laboratory School at LTU had been designated and was identifiable as a white school. (*See* 1984 Consent Decree at

¹ The 1984 Consent Decree refers to the K-12 lab school program at GSU as Alma J. Brown, which is currently the name of the elementary school facility. Because the 1984 Consent Decree had provisions applying to the elementary, middle, and high school levels (*see* 1984 Consent Decree at 7-9), it is the United States' position that the 1984 Consent Decree applies to all three lab school facilities on the GSU campus: Alma J. Brown Elementary School, Grambling Middle Magnet School, and Grambling High School.

3.) Then, as now, the lab schools each operated under a “freedom of choice” attendance plan. (*Id.*) The 1984 Consent Decree required GSU, LTU, and the Board to take a number of affirmative steps to desegregate Alma J. Brown and A.E. Phillips.

Pursuant to the 1984 Consent Decree, the Board was specifically ordered to: (a) “provide transportation for White students in the Ruston area who desire to attend the Alma J. Brown Laboratory School” (*id.* at 5); (b) “provide transportation for students in outlying areas to attend the Alma J. Brown Laboratory School” (*id.* at 15); (c) “assist Alma J. Brown in attracting White students to the kindergarten program and other special programs (*i.e.*, gifted and talented) at [Alma J.] Brown” (*id.* at 16); and (d) share information on testing to identify students for participation in the Alma J. Brown gifted and talented program (*id.* at 8).

This Court was to retain jurisdiction for three years after implementation of the 1984 Consent Decree, after which point the defendant lab schools could petition for dismissal upon demonstration of compliance with “their affirmative duty to convert to a unitary system of laboratory schools,” after which a hearing would be held by the Court “to determine whether [the lab] schools and the Lincoln Parish School Board have complied with this Decree.” (*Id.* at 25.)

During the course of its unitary status review in this case, the United States initiated an inquiry into the Defendants’ compliance with their desegregation obligations with respect to the lab schools, pursuant to the 1984 Consent Decree. As part of this review, the United States requested information from LTU, GSU, and the Board, which each party provided in March 2011, and conducted a site visit of each of the lab schools on April 6, 2011. Each site visit consisted of meetings with school administrators, a tour of the school facility, and brief classroom observations.

In response to the United States' information requests, LTU provided the United States copies of compliance reports that were filed on behalf of A.E. Phillips in 1985, 1986, 1987, and 1992, as required by the 1984 Consent Decree. GSU provided no such reports, nor does the docket in this case reflect that GSU made any filings in this case after the entry of the 1984 Consent Decree. Moreover, the record in this case indicates that no motion to dismiss the case against A.E. Phillips or the Grambling lab schools was ever filed, nor that the Court held a unitary status hearing on the lab school issues. As such, it is the United States' position that the defendant lab schools remain parties to this case and that the lab schools, as well as the Board, remain subject to the desegregation requirements of the 1984 Consent Decree.

B. Findings

This section analyzes compliance with the 1984 Consent Decree by the lab schools and the Board. This analysis is based on the United States' April 2011 site visits, a review of the information provided by the lab schools in response to the information requests, and data on the lab schools provided by the Board in its annual compliance reports submitted to the Court. Although the lab schools are formally operated by and receive a significant portion of their funding from their host universities, the Board also provides substantial funding, other resources, transportation, teachers, and various other forms of indirect involvement in or control of the lab schools, such that a review of the Board's compliance with the 1984 Consent Decree is also necessary.

1. Grambling Lab Schools

The three lab schools affiliated with GSU were at the time of the 1984 Consent Decree, and continue to be, all-black schools. Neither GSU nor the Board has presented evidence to suggest that the schools ever were desegregated effectively, and the United States has not found

any such evidence. The United States has determined that numerous outstanding issues regarding student assignment, faculty, facilities, transportation, and quality of education, require further action by voluntary agreement of the parties or order of the Court.

Student Assignment. Currently, 100 percent of the student population at Alma J. Brown Elementary School, Grambling Middle School, and Grambling High School is black. The proportions of black students and faculty members at the Grambling lab schools substantially exceed the proportions in the Board's Ruston zone, in which the schools are physically located, and of Lincoln Parish as a whole. The schools enroll students who reside in Lincoln Parish and neighboring parishes. School administrators reported that the schools are operating below capacity, as the schools receive fewer applications than available seats. The schools have received no applications from white students in recent years. Tuition for students is \$500 per year, with reduced tuition for siblings of current students.

Faculty. The faculty at Alma J. Brown and Grambling Middle are 100 percent black. Grambling High, which has a 78.6 percent black faculty, employs the Grambling lab schools' only two white teachers and a third teacher of "other" race. These percentages substantially exceed the overall proportion of black teachers in Lincoln Parish, which stands at 14.3 percent (excluding the lab schools) and 17.4 percent (including the lab schools). At the time of the 1984 Consent Decree, four of the GSU lab schools' 41 teachers were white (9.8 percent), compared to two out of 27 right now (7.4 percent).

A number of teachers at each school were hired and are employed by the Board, not GSU. The faculty demographics of the Grambling lab schools' faculties further the schools' racial identifiability as black schools. Additionally, the United States is concerned that the low

overall number of black teachers in the Board's schools may be related, at least in part, to the presence of virtually all-black faculties at the Grambling lab schools.

Facilities. All of the Grambling lab school facilities—particularly the older Grambling Middle and Grambling High buildings—are in poor overall condition and inadequate to provide educational opportunities comparable to those available in the Board's schools and at A.E. Phillips. Some of the many facilities issues are described below.

The middle school and high school facilities were constructed in the 1940s, and have undergone limited renovations since then. The science labs at both schools are antiquated and non-functional, limiting science teachers' ability to incorporate experiments into science lessons. Of the three computer labs in the high school, only one has relatively new computers and one has no Internet access. The middle school and high school share a single gymnasium and library. The stage in the gymnasium is dilapidated and possibly structurally unsound, and there is no lighting or audiovisual equipment. The physical education locker rooms are in very poor condition, with debris piled in the non-functional shower area, bathroom stalls without doors, and little space for students to change clothes. High school sports teams must use GSU locker facilities to change for athletic events, and often face conflicts with the university's teams. At the time of the site visit, the library was inaccessible because of a broken door lock. Many of the two schools' exterior windows were cracked.

Alma J. Brown Elementary School is a newer facility constructed in the early 1980's. Overall, the facility appears adequate, with generally large classrooms and a new computer lab with 25 computers that opened this year with funding from the Board. The school has no indoor gymnasium and a classroom is used for physical education classes when weather prevents

outdoor classes. Water damage from leaks was visible throughout the school, especially on the first floor, which the school principal believed was due to internal pipe leaks.

During the site visit, school administrators cited the facilities, and the corresponding inability to provide certain educational opportunities offered at the Board's schools, as a main reason the schools have failed to attract white students. Declining student enrollment has forced GSU to terminate teachers, including four teachers last year. Despite these challenges, GSU reports that its students have achieved average state test scores comparable to or better than the averages in the Board's schools, and there was evidence of demonstrable school pride in the GSU lab schools.

2. A.E. Phillips Lab School

A.E. Phillips is a K-8 lab school located at LTU. Prior to the 1984 Consent Decree, the A.E. Phillips Lab School had been designated and was identifiable as a white school.

The proportions of black students and faculty remain significantly lower than those in Lincoln Parish, where the school is located. Currently, the student body at A.E. Phillips is 83.2 percent white, 13.2 percent black, and 3.6 percent other race. The percentage of black students is approximately 35 percentage points below the average in Lincoln Parish schools, and is currently lower than in the three years following the entry of the 1984 Consent Decree. Black enrollment was 22.2 percent in 1985, 22.3 percent in 1986, and 18.7 percent in 1987. A.E. Phillips currently has 21 white teachers (95.5 percent) and one black teacher (4.5 percent), similar to the faculty demographics at the time of the 1984 Consent Decree, at which point the school employed 13 white teachers (92.9 percent) and one black teacher (7.1 percent). The number and percentage of black teachers is also lower than in the years immediately following the 1984 Consent Decree, in which the school employed three black teachers out of 15 teachers total (20.0 percent).

In contrast to the GSU lab schools, A.E. Phillips is a sought-after school with a highly competitive admissions process (the school rejects six applicants for every one student admitted). The school informed the United States that, in recent years, it has extended offers of admission to more black students than have ultimately enrolled. Tuition is \$1,650 per year and financial aid scholarships are available. The school facility, built in 1968, appears to be in good condition and has large classrooms and other facilities, including a functioning planetarium. The school's curricular offerings are expansive, including Spanish language instruction, STEM (science, technology, and engineering), various social studies electives, and film, architecture, and art appreciation courses. The school has three sets of laptop computers, a computer lab with state-of-the-art computers, and access to other technological resources at the university.

Overall, A.E. Phillips appears to provide a high-quality educational program that in its breadth and scope exceeds that offered by the GSU lab schools, and offers opportunities at least comparable to those offered in the Board's K-8 schools.

3. Lincoln Parish School Board

Both the LTU and GSU lab schools operate with assistance from the Lincoln Parish School Board. The lab schools are located in and considered part of the Board's Ruston zone for state and federal accountability purposes. The Board includes data for the lab schools in its annual compliance reports in this case and lists the lab schools on its website.

The Board serves as a conduit for state funding and Lincoln Parish sales taxes directed to the lab schools. A.E. Phillips, for example, reports that 69 percent of its funds come from the State of Louisiana and/or the Board. The funding transmitted from the Board funds various teaching and administrative positions at each school, including full-time administrators and teachers, as well as part-time gifted and talented teachers, special education teachers, speech

therapists, and school nurses who work primarily in the Board's schools and are selected and hired by the Board without input from the lab schools. The Board also provides in-kind resources to the lab schools, including instructional and office supplies, student desks, professional development for teachers, and cafeteria equipment, among other things. Assessment of students for gifted and special education classes is conducted by the Board. Lab school students may participate in sports and school activities at the Board's schools that are not offered by the lab schools.

Based on information provided by the Parties, discrepancies may exist in the resources provided by the Board to A.E. Phillips and the GSU lab schools, including in the area of transportation. First, the 1984 Consent Decree requires the Board to provide transportation to the lab schools to any student residing in the Ruston district who wishes to attend a lab school. GSU reported that currently the Board only provides bus transportation for students who live within the predominantly black Grambling area, and not from elsewhere in Ruston. A.E. Phillips reported that bus transportation is provided to any student living within the Ruston zone, but that the large majority of students are driven to school. Second, A.E. Phillips reported that the Board provides bus transportation to students who wish to participate in after-school activities at Ruston Junior High School. GSU reported, however, that no transportation is provided for its students to participate in extracurricular activities, preventing students who have demonstrated interest in such activities from participating.

C. Recommendations

The United States believes the desegregation issues in the Board's schools and at the lab schools must be addressed jointly in order to achieve effective remedies to finally eliminate the vestiges of lawful segregation from each of these institutions. The lab schools, although quasi-

autonomous, draw from essentially the same student population and faculty candidate pool as the Board's schools, and do not operate without the substantial involvement of the Board. Any remedy that would attempt to address the student assignment and faculty issues underlying the outstanding desegregation issues at the Board's schools and the lab schools should necessarily involve all of the Parties in this case.

From the standpoint of judicial economy, pursuing negotiations separately with the Board and the lab schools would be inefficient and could lead to conflicting remedies. The Fifth Circuit reached a similar conclusion in an earlier iteration of this case, when it held that joint consideration of the lab school issues with the main desegregation case was appropriate. At the time, the United States argued that "the laboratory schools were initially established as part of the dual system of public schools and that they continue to be segregated under at least indirect authority of the Lincoln Parish School Board." *Copeland v. Lincoln Parish Sch. Bd.*, 598 F.2d 977, 982 (5th Cir. 1979). As the Fifth Circuit reasoned,

[A]n independent determination that the laboratory schools should be desegregated will surely affect any ongoing litigation under the consent decree. It would be much more reasonable to allow the Government to proceed within the context of this ongoing litigation and thus avoid possible duplicative actions and orders. In the interest of judicial economy, we thus reverse the District Court's order and allow the United States to add the stated parties as defendants. In doing so, we express no opinion regarding the merits of the Government's attempt to enforce desegregation of the laboratory schools.

Id. For these same reasons, the lab schools properly remain part of this case and remediation of the desegregation issues at the lab schools should be considered jointly with the other issues in the case.

The United States has notified counsel for LTU, GSU, and the Board of its findings with respect to the lab schools. The United States and the Defendants have agreed to proceed with negotiations to attempt to resolve these issues out of court. If the Parties are unable to reach a

voluntary resolution to any of the lab school issues within a reasonable period of time, the United States may petition the Court for further relief on those issues.

The United States has no objection to Judge James's continued supervision of this case as the Parties proceed to engage in voluntary negotiations to resolve the various issues described herein.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 24th day of May, 2011, I served an electronic copy of the foregoing Status Report via the electronic filing system of the United States District Court for the Western District of Louisiana to the following counsel of record:

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