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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

ALLEN HOLMES,

Intervenor,

v.

AVOYELLES PARISH
SCHOOL BOARD, *et al.*,

Defendants.

Civil Action No. 1:65-cv-12721

CONSENT ORDER

I. BACKGROUND

The above-captioned school desegregation case was filed in 1967 by the United States of America against the Avoyelles Parish School Board (“District” or “APSB”). On July 23, 1969, this Court approved the District’s first desegregation plan, which was developed in consultation with the United States. On April 20, 1987, this Court approved the motion to intervene filed by Private Plaintiff Allen Holmes. On July 7, 1988, following litigation related to Private Plaintiff’s petition for further remedial relief, this Court issued an order concerning student assignment, which was subsequently modified in 1992, 1996, 2000, 2003, and 2005.

In 2008, the District developed a plan to realign its schools and in 2009, filed a motion for approval of its revised plan. On May 28, 2009, the Court issued a ruling, noting that the revised plan did not adequately describe how the District intended to achieve unitary status, concluding that “there [were] too many unknowns and variables in the desegregation picture

even to get a viable snapshot of the net effects of the plan if implemented in its entirety.” Thus, the Court directed APSB to focus on certain facets of its operations, including student assignment, faculty assignment, facilities, curriculum, student discipline, and cohesion with respect to the review and approval of Board policies. For example, APSB was expected to eliminate improper “zone jumping,” fully implement its majority-to-minority (M-to-M) transfer program, “rebrand” the Louisiana School for the Agricultural Sciences (LASAS), adopt a “New Tech” magnet curriculum at Bunkie High School (BNTHS), and develop a comprehensive plan for a magnet program at Bunkie Elementary School.

In response to subsequent motions filed by the District, the Court granted APSB declarations of partially unitary status in the areas of transportation (March 9, 2012), faculty and staff assignment (Sept. 2, 2012), and extracurricular activities (Dec. 14, 2012). The District also filed a motion for a declaration of partial unitary status in the area of facilities, which was denied; the District renewed its motion on August 18, 2013. On April 6, 2014, the District filed a motion for a declaration of full unitary status, which the United States opposed on June 3, 2014. On July 24 – 25, 2014, the Court held an evidentiary hearing on the District’s facilities motion, and the District’s subsequent motion for approval of its prospective renovation/construction plans (the “Ten Year Plan”). At the conclusion of the hearing, the Court directed the United States, the District, and Private Plaintiff (collectively, the “Parties”) to engage in good faith settlement negotiations with the assistance of a mediator to resolve all outstanding issues in an amicable fashion.

The Parties have engaged in subsequent mediation to negotiate the terms of this Consent Order, which is intended to resolve the outstanding issues in this case. After reviewing the terms of this Consent Order, and finding them fair, just, and reasonable, it is the opinion of this Court

that entry of the Consent Order comports with federal law and the Fourteenth Amendment to the United States Constitution and should further the orderly desegregation of the District. The Parties agree that the entry of this Consent Order, without further litigation, is in the public interest and agree to all terms and conditions below.

The Parties agree to the terms of this Consent Order and agree to comply with its provisions to address and resolve the issues raised by the United States and Private Plaintiff, consistent with the District's desegregation obligations. The signatories undertake this Consent Order as a means of alternative dispute resolution to avoid further litigation and for the purposes of judicial and governmental economy. The District understands that this Consent Order shall be binding upon any successor school boards and district superintendents.

It is therefore **ORDERED, ADJUDGED and DECREED:**

II. GENERAL REQUIREMENTS

1. APSB has an affirmative legal duty "not only to avoid any official action that has the effect of perpetuating or reestablishing a dual school system, but also to render decisions that further desegregation and help to eliminate the effects of the previous dual school system." *Harris v. Crenshaw Cnty. Bd. of Educ.*, 968 F.2d 1090, 1095 (11th Cir. 1992). To fulfill this duty, the District shall ensure that all facets of its operations are performed free of discrimination on the basis of race and in a manner that furthers desegregation.

2. The District shall ensure that all new policies/procedures that impact the assignment of students between and within schools, including any new magnet or specialized programs and any discipline policies, are evaluated, adopted, and implemented pursuant to the process set forth in the document attached as Exhibit A.

III. STUDENT ASSIGNMENT BETWEEN SCHOOLS

3. The District's grade structure and enrollment for the current 2014-15 school year are set forth in Table 1 below:

Table 1: Student Enrollment (2014-2015)								
		Black	%	White	%	Other	%	Total
Avoyelles	7-12	296	42.8%	380	55.0%	15	2.2%	691
BNTHS	7-12	269	56.9%	189	40.0%	15	3.2%	473
Marksville	7-12	396	44.5%	445	50.1%	48	5.4%	889
LASAS	7-12	101	29.2%	236	68.2%	9	2.6%	346
HS Total		1062	44.3%	1250	52.1%	87	3.6%	2399
Bunkie	K-6	314	81.8%	65	16.9%	5	1.3%	384
Cottonport	K-6	268	63.5%	145	34.4%	9	2.1%	422
Lafargue	K-6	129	19.3%	532	79.6%	7	1.0%	668
Marksville	K-6	366	58.6%	225	36.0%	34	5.4%	625
Plaucheville	K-6	243	41.0%	339	57.2%	11	1.9%	593
Riverside	K-6	183	57.7%	132	41.6%	2	0.6%	317
ES Total		1503	50.0%	1438	47.8%	68	2.3%	3397
AVAP	6-12	~0	~0.0%	~0	~0.0%	~00	~0.0%	~0
TOTAL		2565	47.4%	2688	49.7%	155	2.9%	5408

4. This enrollment data shows that three of the District's schools remain racially identifiable; the enrollments at these schools exceed +/- 15 percentage points from the relevant overall enrollments (*i.e.*, elementary or secondary). Two of the District's schools have disproportionate enrollments using a ratio of +/- 20 percentage points. Bunkie Elementary School is 81.8% African-American when the overall African-American enrollment is 47.4% and Lafargue Elementary School is 79.6% White when the overall White enrollment is 49.7%. LASAS, a charter school which is expected to enroll students from throughout the parish, has a 68.2% White enrollment.¹

5. According to APSB's data, as many as 254 District students do not attend their home schools (not counting those who attend LASAS), and some of these reassignments hinder the desegregation process by sending White students to majority White schools and African-American students to majority African-American schools. For example, the District's records

¹ It should be noted that the enrollment at BNTHS, which recently adopted the New Tech curriculum and is supposed to serve as a district-wide magnet school, experienced a significant change between the 2013-14 school year and the current school year, with the African-American enrollment decreasing by 2.9 percentage points and the White enrollment increasing by 2.2 percentage points. Likewise, the African-American enrollment at LASAS increased by 4.1 percentage points since last year and the White decreased by 3.6 percentage points. Also, while the enrollment of the Avoyelles Virtual Alternative Program (AVAP) fluctuates, that facility usually has a disproportionately high African-American enrollment.

indicate that 14 White students who reside in the BNTHS attendance zone are enrolled at Avoyelles High School, 17 students who reside in the Riverside Elementary School attendance zone are enrolled at Plaquemine Elementary School, and 15 African-American students who reside in Lafargue Elementary School attendance zone are enrolled at Marksville Elementary School. The District also granted reassignments that were categorized as majority-to-minority (M-to-M) transfers, but actually had the opposite result; students were reassigned from schools where their race was in the minority into schools where their race was in the majority.

A. Residential Attendance Zones & Address Verification

6. Except as otherwise provided herein, APSB students shall attend the schools located in the geographic attendance zone in which they reside as indicated in the map attached as Exhibit B. This District shall post digital versions of these maps on its website.

7. To ensure that the residential attendance zones are properly enforced, the District shall adopt and fully implement the student assignment and address verification policy set forth in the document attached as Exhibit C and ensure that its other policies are consistent with this student assignment and address verification policy.

8. The District shall allow students who are currently attending schools outside their residential attendance zones to remain at their current school until the end of the current school year.

B. Majority to Minority Transfers

9. The District shall encourage African-American and White students attending a school in which their race is in the majority to attend another school in the District where their race is in the minority. The District shall grant M-to-M transfers to all students who qualify for and request such a transfer. The District also shall provide free transportation to all students who are granted an M-to-M transfer.

10. All M-to-M transfer requests for the forthcoming school year are due by June 1. The District will evaluate requests based solely on the racial composition of the schools according to the end-of-the-year student enrollment data from the school year just ending, and grant requests that are consistent with paragraph 9 above for appropriate grade levels (*e.g.*, elementary, junior high, and high schools). Once granted, M-to-M transfers will be renewed

automatically each year until the student volunteers to return to his/her home school or matriculates to a new school.

11. The District shall publicize and broadly disseminate accurate information about M-to-M transfers by, *inter alia*, including a description of the program in its Student Handbook, posting relevant information on the District's website, placing applicable timely notices in the appropriate print media, disseminating notices to parents, and providing relevant announcements during parent orientation and informational sessions. Annually, by no later than March 15, the District shall mail a letter, enclosing a M-to-M transfer application, to the parents of all students informing them of the availability of M-to-M transfers. The letter, a sample of which is attached as Exhibit D and other such notifications the District disseminates will explain: (a) that APSB will permit a student to transfer pursuant to the M-to-M transfer policy; (b) in detail the M-to-M transfer policy; (c) that APSB provides free transportation to all students who are granted such transfers; (d) that such transfers will be renewed automatically each year (without parents needing to reapply) unless the parents elect to have their children return to their home schools; and (e) how parents may apply for such transfers and the date by which they must do so.

12. The District shall provide annual training on its M-to-M transfer policies and procedures to all school and system administrators, as well as all employees who are involved with the processing of such transfer requests, before the start of the Spring semester. The District shall send an e-mail to all teachers and staff each year at the beginning of the Spring semester notifying them of the District's M-to-M transfer policies.

C. LASAS Recruitment & Enrollment

13. The District shall adopt and fully implement the LASAS Admission policy, attached as Exhibit E, which describes the process the District shall employ to admit students to the school. An objective of this policy is to foster the desegregation of this school by encouraging African-American students to enroll at LASAS. The District shall take all practicable steps needed to achieve this goal, including but not limited to, ensuring that a minimum of 35% of new applicants accepted for admission to the school are African-American. APSB shall use a standardized admission interview and require that all members of the interview committees be qualified and that at least one of the committee members be an African-American administrator. The policy shall describe the process the District shall employ whenever a student withdraws his/her application or declines to attend the school after being admitted/selected.

14. The District shall adopt and fully implement the LASAS Outreach and Recruitment Plan attached as Exhibit F and take all other practicable steps to encourage African-American students to apply for admission to and enroll in LASAS.

15. The District shall employ a qualified and experienced recruiter to coordinate its LASAS outreach and recruitment efforts and perform the duties set forth in the position description attached as Exhibit G. Under the direction of the APSB's Superintendent, the recruiter shall coordinate the District's LASAS recruitment efforts, including, *inter alia*, all relevant community and student outreach, publicity/advertising, and media and communication efforts. The recruiter shall coordinate informational "open house" sessions and recruitment events and conduct outreach meetings with representatives of local African-American organizations and groups. The recruiter shall provide to each African-American student who submits an application for admission to LASAS and his/her parents the opportunity to meet in person with an appropriate District representative before the student attends his/her admission interview, although the students and parents may choose not to participate in such a meeting. During this meeting the District representative shall discuss the school's program, describe the application and interview process, encourage the student to enroll in the school, and provide the student and his or her parents an opportunity to ask questions. The failure to convene a meeting with the applicant's parents shall not negatively affect the student's application and/or admission to LASAS.

16. The District shall publicize and broadly disseminate accurate information about the LASAS application and admission process by, *inter alia*, including a description of the process in its Student Handbook, posting relevant information on the District's website, placing appropriate timely notices in the appropriate local print media, disseminating notices to parents, and providing relevant announcements during parent orientation and informational sessions. Annually, by no later than December 15, the District also shall mail a letter to the parents of all students in grades 7-11 with information about the LASAS, including a description of the academic/curricular program and a copy of the admission application. A sample of the letter is attached as Exhibit D.

17. The District shall provide annual training on the LASAS application and admission process to all school and district administrators, as well as all employees who are involved with processing admission applications, before the start of the Spring semester. This

training shall include information about the LASAS educational program. The District shall send an e-mail to all teachers who teach grades 7-11 and all staff involved in counseling students or conferring with parents each year at the beginning of the Spring semester notifying them of the LASAS application and admission process.

18. The District shall conduct a comprehensive review of its LASAS recruitment and admission process efforts no later than October 30, 2015 and annually thereafter by no later than May 15 evaluate the District's efforts to increase African-American enrollment at LASAS. The District shall prepare and send a written report to the parties by no later than April 1, 2016, and annually thereafter no later than May 15, summarizing the results of its annual review and listing proposed programmatic changes designed to increase African-American enrollment at LASAS.

D. Bunkie Magnet Programs

Bunkie New Tech High School

19. The District shall adopt and fully implement the Bunkie New Tech High School (BNTHS) magnet program, attached as Exhibit H, which describes the unique curricular program to be offered at the school and the process the District will employ to admit students to the school. An objective of this magnet program is to foster the desegregation of this school, and the District shall take all practicable steps needed to achieve this goal.

20. The District shall adopt and fully implement the BNTHS Magnet Outreach and Recruitment Plan attached as Exhibit I and take all practicable steps to ensure that the magnet program fosters the desegregation of BNTHS.

21. The District shall designate a qualified and experienced recruiter to coordinate its BNTHS magnet program outreach and recruitment efforts and perform the duties set forth in the position description attached as Exhibit J. Under the direction of the APSB's Superintendent, this person shall coordinate the District's BNTHS magnet program recruitment efforts, including, *inter alia*, all relevant community and student outreach, publicity/advertising, and media and communication efforts. This person also shall coordinate informational "open house" sessions and recruitment events and conduct outreach meetings.

22. The District shall publicize and broadly disseminate accurate timely information about the BNTHS magnet program application and admission process by, *inter alia*, including a description of the process in its Student Handbook, posting relevant information on the District's

website, placing timely applicable information in the appropriate print media, disseminating notices to parents, and providing relevant announcements during parent orientation and informational sessions. Annually, no later than December 15, the District shall mail a letter to the parents of all students in grades 7-11 informing them about the BNTHS academic/curricular program and magnet program admission process along with a copy of the admission application. A sample of the letter is attached as Exhibit D.

23. The District shall provide annual training on the BNTHS magnet program application and admission process to all school and system administrators, as well as all employees who are involved with processing admission applications, before the start of the Spring semester. This training shall include information about the BNTHS academic and co-curricular program. The District shall send an e-mail to all teachers who teach grades 7-11 and all staff involved in counseling students or conferring with parents each year at the beginning of the Spring semester notifying them about the BNTHS magnet program application and admission process.

24. The District shall conduct a review of its BNTHS magnet program recruitment and admission process efforts no later than April 15, 2016, and annually thereafter no later than May 15, evaluate the District's efforts to foster the desegregation of BNTHS. The Superintendent's Committee shall prepare a report to the Board no later than April 15, 2016, and annually thereafter no later than April 15, 2016, summarizing the results of its annual review and listing proposed programmatic changes designed to ensure that the magnet program fosters the desegregation of the school.

Bunkie Elementary Learning Academy

25. The District shall conduct a comprehensive study and prepare a thorough report concerning the feasibility of establishing a magnet program at BELA beginning the start of the 2016-17 school year. One objective of the magnet program would be to foster the desegregation of this school. The study must evaluate whether it is practicable to achieve this goal, taking into consideration the steps the District will need to take to: (a) identify, through mechanisms such as interest surveys and resource studies, an adequate theme and/or curriculum and design for the magnet program that is likely to desegregate the school; (b) secure sufficient funding and/or resources and complete all renovations that would be needed to open and operate the program; (c) employ and/or train qualified staff required to open and operate the program, if deemed

necessary; and (d) adopt and implement an effective outreach and recruitment plan and an appropriate admission policy; and the possible adverse effects on desegregation. The District shall send its written feasibility report to the parties no later than October 30, 2015.

26. Beginning in the 2015-16 school year, the District shall publicize and broadly disseminate timely accurate information about the existing extended school year program at BELA and the benefits of this program by, *inter alia*, including a description of the program in its Student Handbook, posting relevant information on the District's website, placing timely applicable notices in the appropriate local print media, disseminating notices to parents, and providing relevant announcements during parent orientation and informational sessions. In addition, the District shall implement a targeted publicity campaign, including open house sessions, designed to encourage M-to-M transfers to BELA, emphasizing the school's unique academic program(s) and improved facilities.

27. The District shall prepare a report describing specific alternative actions that may further the desegregation of BELA other than establishing a magnet program at the school. This report shall evaluate, *inter alia*, what steps the District can take to encourage more M-to-M transfers to BELA. The District shall send its written report to the parties no later than October 30, 2015.

IV. STUDENT ASSIGNMENT WITHIN SCHOOLS

28. The District shall ensure the creation and maintenance of racially desegregated classrooms. The District shall require school principals to review proposed classroom assignment data before each academic year to identify racial disparities and make appropriate changes to mitigate any such disparities before the academic year begins. For the purposes of this consent order, racial disparities shall be defined as assignments that deviate by +/- 20 percentage points from the relevant overall school enrollment (*e.g.*, the racial composition of the school or applicable grade level). The District's obligation to desegregate classes applies to all schools and academic programs, such as the LASAS accelerated classes and the AVAP classes.

29. For every class where a racial disparity in enrollment exists after the academic year begins, the District shall retain a record of all actions APSB took, if any, upon discovering the disparity and actions it proposes to take to eliminate the disparity.

V. STUDENT DISCIPLINE

30. The District shall administer student discipline in a fair and non-discriminatory manner and provide all students with an equal opportunity to learn in a safe, orderly, and supportive environment. The District shall take all practicable steps to eliminate racial disparities attributable to the District's use of exclusionary discipline, which is defined for the purposes of this Consent Order as all disciplinary actions that have the effect of removing students from the regular classroom instruction setting in his/her home school, such as in-school suspension (ISS), out-of-school suspension (OSS), placement in an alternative setting or program (*e.g.*, AVAP), expulsion, referral to law enforcement, and arrests.

31. The District shall adopt and fully implement APSB's Student Code of Conduct attached as Exhibit K and ensure that none of its other policies are inconsistent with this policy. The District also shall incorporate culturally responsive techniques into its discipline practices and fully implement the State-mandated multi-tiered Positive Behavior Interventions and Supports (PBIS) program and an appropriate Response to Intervention (RTI) model to reinforce positive behavior and character development and address patterns of misbehavior by individual students.

32. Pursuant to the Student Code of Conduct, the District shall ensure that students remain in the regular classroom environment to the greatest extent possible. Except in emergency situations involving serious and immediate threats to safety, the District shall not administer exclusionary discipline consequences or corporal punishment to discipline any student before utilizing and documenting appropriate non-exclusionary PBIS and RTI strategies and intervention techniques. For the purposes of this Consent Order, corporal punishment is defined as any punishment that involves physical contact with a student's body and any punishment that requires restraint or a student to engage in a physically stressful act, such as kneeling down in class.

A. Positive School Climate

33. The District shall continue to phase in and properly administer the PBIS approach to classroom management and student behavior, and provide sufficient resources and training to implement the PBIS model at each school.

34. To ensure that the District utilizes effective student discipline and classroom management practices, and properly administers PBIS, the District shall hire or designate a qualified central office administrator to serve as its “Discipline Coordinator” and shall require this person to:

- (a) Assist schools to adopt and approve effective behavior and discipline data reporting mechanisms and self-monitoring practices;
- (b) Review all exclusionary discipline and corporal punishment administered;
- (c) Review and analyze the District’s behavior and discipline data to identify areas of concern, including concerns regarding racial disparities;
- (d) Work with administrators and all appropriate faculty and staff to develop corrective action plans in response to concerns raised by disciplinary data or narratives;
- (e) Serve as a direct contact for student and parent complaints and concerns regarding the administration of discipline, and work with District- and school-level administrative staff to resolve these concerns;
- (f) Develop model behavior assessments and interventions and integrate them into the RTI program;
- (g) Coordinate and implement a comprehensive multi-year schedule of PBIS-related professional development for all faculty and administrators, appropriate to each person’s job responsibilities, and annual professional development on these topics for all other employees; and
- (h) Coordinate with representatives from the National Technical Assistance Center on PBIS or other mutually agreeable technical assistance providers to conduct periodic reviews of the District’s disciplinary policies and practices to ensure that they are nondiscriminatory and effective.

35. No later than August 1, 2015, the District shall designate a school-level PBIS coordinator at each school. The District shall ensure that the school-level PBIS coordinators, in consultation with the Discipline Coordinator, assist teachers/staff to effectively communicate school rules, reinforce appropriate student behavior, use constructive classroom management skills and proper PBIS and RTI support/intervention strategies, and determine fair and consistent

disciplinary consequences when appropriate. The District shall notify parents how to contact the Discipline Coordinator.

36. The District shall ensure that all teachers and staff who are designated to serve on any PBIS and RTI teams and/or implement any support and intervention strategies, including check-in/check-out, functional behavior assessments, and ISS monitoring, are adequately trained and have sufficient time and resources to fulfill these duties.

B. Communication with Students and Parents

37. The District shall develop and deliver an informational program to assist students and parents in understanding their roles and responsibilities under APSB's Discipline Policy and accompanying Student Code of Conduct, all applicable procedures, and school and classroom rules, as well as the PBIS program and RTI model.

38. As part of its informational program, the District shall host student assemblies at each school at least once at the beginning of each school year to communicate positive core values and behavioral expectations and to explain in an age-appropriate manner the District's discipline policies and Code of Conduct. The District also shall host at least two student assemblies at each school to announce PBIS awards and recognitions that students earned/received.

39. The District shall publicize and broadly disseminate accurate information about PBIS and the District's student discipline policies and practices by, *inter alia*, including a description of the program in its Student Handbook along with a copy of the Student Code of Conduct, posting APSB's Discipline Policy and accompanying Student Code of Conduct on the District's website, disseminating periodic notices to parents, and providing relevant announcements during parent orientation and informational sessions. The information disseminated to parents and students shall include a clear explanation of APSB's corrective strategies and consequences (including classroom policies where appropriate), the Code of Conduct, due process and appeal procedures, and an accurate description of the District's efforts to reduce exclusionary discipline and ensure that discipline referrals and consequences are administered in an equitable manner. The District shall provide an opportunity for parents to raise questions or concerns about the administration of discipline, and provide guidance on how parents may ask questions or submit complaints about student discipline.

C. Professional Development

40. The District shall ensure that all employees are familiar with APSB's Discipline Policy and accompanying Student Code of Conduct, implement discipline in an equitable and inclusive manner with appropriate PBIS and RTI support/intervention strategies, and properly record all disciplinary conduct and consequences. The District shall take appropriate remedial action in the event employees fail to follow District discipline policies or procedures.

41. The District shall ensure that all District employees responsible for classroom management and student discipline, including all teachers and school level administrators, receive a minimum of 16 hours of initial training no later than October 15, 2015 (or within three months of being hired by the District) and that they receive a minimum of 8 hours of training each year thereafter on APSB's Discipline Policy and Code of Conduct so they understand how to apply the policies consistently and in a non-discriminatory manner. The training shall include the following elements:

- (a) A description and discussion of students' due process rights and the limited role that exclusionary discipline should play in the discipline process;
- (b) A review of APSB's Discipline Policy and Code of Conduct with examples of what constitutes prohibitive conduct by category and level of offense and the objective criteria to be used to determine violations/ infractions;
- (c) A description of acceptable PBIS and RTI support/intervention strategies and appropriate disciplinary consequences, including both exclusionary and non-exclusionary options;
- (d) Explicit instructions for determining the appropriate intervention or disciplinary consequences, including the factors to be considered in devising the appropriate punishment (*e.g.*, prior misbehavior, prior PBIS intervention efforts);
- (e) Demonstrations of effective classroom management techniques and a step-by-step description of the procedures to be employed in response to student misbehavior;
- (f) Instruction on the proper protocol for documenting and record disciplinary conduct and consequences;
- (g) A review of the District's anti-discrimination and harassment policy; and

(h) Information on cultural awareness in the provision of classroom management and student discipline, including interactive dialogue about the relationship between discipline and race.

42. No later than August 1, 2015, the District shall designate or retain a mutually agreeable person/group to conduct the training required by paragraph 41 above.

43. The District shall supplement and reinforce the formal training required by paragraph 41 above with periodic informal professional development and mentoring, school site meetings, and performance reviews to be conducted throughout the school year.

44. In addition to the formal training required by paragraph 41 above, the District's school PBIS coordinators shall receive specialized training on PBIS, restorative justice, and other behavior management techniques; the particular needs of students, including students with disabilities and English language learners; and other training as necessary to perform their duties.

D. Data Collection, Data Review, and Self-Assessment

45. The District shall ensure that all disciplinary actions taken against a student and all referrals to law enforcement are properly recorded in the District's JPams data system (APSB's computerized student discipline information system). The District's data collection and review shall capture, at a minimum, the following information: the student's name (or unique student identifier), race, sex, school, grade level, disability status, name and race of the referring staff member, infraction, date the incident occurred, accurate and detailed description of the specific incident, student's prior disciplinary history, consequence (including all referrals to law enforcement and/or arrests), date the consequence was imposed, description of interventions that were attempted prior to imposing the consequence, and whether the parent appealed any aspect of the disciplinary decision, if so a copy of the appeal and disposition and the reason therefore.

46. The District shall require each school principal to prepare and submit to the Discipline Coordinator on a monthly basis a report(s) of all disciplinary actions taken at their respective schools during the relevant school year. These reports, which shall be reviewed by the Discipline Coordinator and discussed at monthly meeting of all school level administrators, must include, *inter alia*, data disaggregated by the race/ethnicity of the students involved, categories of offenses, and types of interventions or disciplinary consequences. The District also shall require each school principal and the Discipline Coordinator to collect and review in a timely manner the individual records of all exclusionary discipline consequences and corporal

punishment. The District shall ensure that the data referenced above is analyzed and evaluated to identify any racial disparities or disproportionality in the administering of APSB's Discipline Policy and applicable procedures, the use of exclusionary discipline or corporal punishment, or the severity of disciplinary consequences. If disparities or disproportionality are identified, the District shall develop and implement a responsive action plan for the either the classroom or school, which shall include measurable objectives for reducing the identified disparities and disproportionality and identify the particularized assistance the District will provide to relevant principals and schools.

VI. FACILITIES AND RENOVATIONS

47. On January 28, 2015, the Court approved APSB's prospective renovation/construction plans (the "Ten Year Plan"), authorizing the District to, *inter alia*, to construct a stage (and accompanying space/equipment) at BNTHS suitable for use for educational programs and community functions. On April 17, 2015, the Court approved the funding mechanism APSB will use to complete its Ten Year Plan.

48. The parties now stipulate that in the area of facilities APSB has eliminated the vestiges of segregation to the extent practicable, has complied with its desegregation obligations for a reasonable period of time, has demonstrated a good faith commitment to the whole of the Court's orders, and is, therefore, entitled to a declaration of partial unitary status.

49. Having found that the District has satisfied its desegregation obligations in the area of facilities, the Court hereby declares that with respect to the factor of facilities, APSB is unitary, and the Court dismisses the permanent injunction as to the issue of facilities.

VII. PAYMENT OF FEES AND COSTS

50. This Consent Order does not address the payment of attorneys' fees or other litigation expenses. The parties agree that any discussion of payment of fees and costs will not be appropriate until after a Consent Decree is entered and approved by the Court.

VIII. MONITORING AND ENFORCEMENT

A. Record Retention & Inspection

51. The District shall retain all documents used to prepare the reports described in paragraphs 55(a)-(k) below, the United States and Private Plaintiff shall have the right to inspect all records related to the District's efforts to comply with this Consent Order, and the parties will cooperate to exchange such information. The United States and Private Plaintiff also retain the right to speak directly with District employees who are not administrators. The District acknowledges that the parties, through its representative and any consultant or expert it may retain, may conduct an on-site review of the District's schools to evaluate APSB's compliance efforts upon giving reasonable notice and consultation with the District to minimize any disruption to the education process in the schools.

B. Consultant & Annual Report

52. To help the District collect and analyze data related to the factors at issue in this Consent Order and to facilitate the exchange of information with all the parties, the District shall retain an appropriately qualified expert consultant to monitor the implementation of this Consent Order.

53. The monitoring consultant shall be responsible for collecting pertinent information required to prepare reports on APSB's progress complying with the obligations of this Consent Order. These reports, which shall be presented to the Court and the parties annually no later than October 15, must be based on evidence supported by facts related to each of the District's outstanding obligations, without opinions or commentaries. The District shall grant the monitoring consultant unfettered access to all information s/he requests, and the monitoring consultant shall conduct quarterly visits to the District (coordinated through the office of the Superintendent) to conduct interviews and gather information/data from central office staff and principals to complete the annual report. The consultant shall be accessible to confer and consult with all parties.

54. The District shall be responsible for payment of the monitoring consultant's fees and expenses. Although the monitoring consultant shall work closely with the District, s/he shall be an independent entity and the annual report shall be prepared without the District's advance review or approval.

55. Unless otherwise indicated, the report, which the consultant shall prepare and file annually no later than October 15 shall use data captured for the school year preceding each annual report. To the extent practicable, the reports provided to the parties shall be in a searchable electronic format (*e.g.*, Microsoft Excel). The annual reports shall include at least the following:

(a) The total number and percentage of students, by race/ethnicity and grade level, assigned to each school operated by the District.

(b) For each classroom in each school, the total enrollment in the class, by race/ethnicity; grade served; and the subject or program of the class, specifically indicating any groupings or assignments by ability, achievement, or other basis such as advanced placement or honors classes, programs for students with intellectual or specific learning disabilities, gifted and talented programs, or limited English proficient classes.

(c) The total number of students who have requested intra-district transfers, indicating for each such request the student's race/ethnicity, grade, zoned school, receiving school, reason for transfer request, and the reason for granting or denying the transfer. The same information for students who were previously granted transfers that were renewed automatically. The same information for inter-district transfers.

(d) The total number of students, if any, the District reassigned pursuant to the address verification policy.

(e) A description of the District's efforts to publicize M-to-M transfers, the magnet program at BNTHS, and admission to LASAS, along with copies of all letters, notices, and other published information; this should include a description of all outreach meeting, open-houses, information sessions, and pre-interview consultations conducted or attended by the LASAS Recruiter and/or the BNTHS Recruiter.

(f) A list of all trainings the District conducted to instruct employees about the M-to-M transfers, the magnet program at BNTHS, and admission to LASAS, including for each the number of people in attendance, the location, the name and title of the presenter, and a description of the subject matter. A copy of all notices disseminated to employees concerning these options

(g) The total number of students who have applied to attend LASAS, indicating for each such applicant the student's race/ethnicity, grade, zoned school,

whether the student was admitted to the school, and whether the student enrolled to the school.

(h) A copy of the annual report prepared by the Superintendent's Committee and presented to the Board regarding the District's efforts to foster the desegregation of BNTHS.

(i) For each school, the total number of students who received exclusionary discipline or corporal punishment delineated by race/ethnicity, grade, infraction type (*e.g.*, disruption, dress code violation, fight, etc.), and the type of discipline administered.

(j) For each school, the total number of PBIS and RTI interventions taken following an out-of-class referral delineated by race/ethnicity, grade, and infraction type.

(k) A list of all trainings the District conducted to instruct employees about student discipline and/or PBIS including for each the number of people in attendance, the location, the name and title of the presenter, and a description of the subject matter.

56. Within sixty (60) days after receiving the District's annual reports, the parties shall participate in a meet and confer conference to discuss the status of the case, and the United States and Private Plaintiff shall provide the District with feedback regarding any concerns they might have about the report or the District's compliance with this Consent Order. The District shall respond to any such concerns within thirty (30) days.

57. On or before January 15, 2016, and annually thereafter, the parties shall file a joint report to the Court confirming that they have participated in the meet and confer conference required by paragraph 56 above. In this report, the parties also shall indicate whether they believe a status conference with the Court is warranted and propose a date for any such conference.

IX. CONTINUING JURISDICTION

58. The District contends that it may be declared unitary at this time in the areas of student assignment and student discipline and that this Court may retain jurisdiction over the case for the purpose of ensuring that the District complies with this Consent Order. *See* Argument in Support of Unitary Status in the Area of Facilities Filed by the Avoyelles Parish School Board, ECF Doc. No. 288, (09-08-14). The United States contends that the District should not be declared unitary until it shows, *inter alia*, that it has complied with this Consent

Order for a reasonable period of time, *see* United States' Post-Hearing Brief, ECF 289, (09-18-14). After conference with the Court, however, the United States does not object to the District being declared unitary at this time so long as the case is not dismissed for a period of three (3) school years.

59. The District is hereby declared unitary in the areas of student assignment and student discipline. However, this case is not dismissed and this Court shall retain jurisdiction of this case for a period of three (3) school years, until June 1, 2018, for the purpose of monitoring the District's efforts to fully and faithfully comply with applicable federal law and this Consent Order.

60. During the three-year monitoring period, the United States and Private Plaintiff reserve the right to file appropriate motions to enforce provisions of this Consent Order with the Court; provided that they not initiate or pursue such enforcement action without first attempting to resolve the issue in dispute through good faith negotiations with the District for thirty (30) days, or until the parties reach an impasse, whichever comes sooner.

61. At the end of the three-year period, on June 1, 2018, the District may file a motion to dismiss the case; the United States and/or Private Plaintiff may show cause sixty (60) days thereafter why, based on applicable case law, the District should not be dismissed.

The Court has reviewed the provisions of this Consent Decree and adopts the Consent Decree as the Order of the Court. IT IS, THEREFORE, ORDERED that the provisions of this Consent Decree become the Order of this Court and this Court shall retain jurisdiction over this case until further Order of the Court.

SO ORDERED, ADJUDGED AND DECREED, this 21st day of MAY, 2015.


UNITED STATES DISTRICT JUDGE

AGREED:

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PRINCIPAL DEPUTY
ASSISTANT ATTORNEY GENERAL

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