

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
JUL 9 4 21 PM '71
BENJAMIN W. REISON
CLERK

LENA VERN DANDRIDGE

SECTION "A"

VS.

No. 14,801

JEFFERSON PARISH SCHOOL BOARD
ET AL

CIVIL ACTION

O R D E R

On May 10, 1971, plaintiffs in this action moved for further relief in their continuing effort to have a truly unitary school system established in Jefferson Parish, Louisiana. The basis of their position is that at present there remain four all-black schools^{1/} and fifteen all-white, or virtually all-white schools^{2/} in the Jefferson Parish School System which comprises 75 schools. The relief sought is that this court direct the Jefferson Parish School Board to formulate a new desegregation plan which, through racial balance, would eliminate the racial identification of any particular school. In addition, plaintiffs ask that the faculty of each school be integrated in substantially the same ratio of white to black teachers as exists between white and black teachers throughout the school system and that the School Board henceforth hire new teachers on a nonracial basis.

In the seven years that this court has had jurisdiction over this case, several desegregation orders have been issued to the Jefferson Parish School Board and the school system has made significant accomplishments. During this period the Supreme Court has continued to rule on the meaning and implementation of the equal educational opportunity doctrine required by the Fourteenth Amendment and enunciated in *Brown v. Board of Education*, 347 U.S. 483 (1954).

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In *Green v. County School Board*, 391 U.S. 430 (1968), the Supreme Court commanded school boards to formulate desegregation plans that would realistically and effectively remove de jure school segregation. The immediacy of this command was reiterated in *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969).

It was not until April 20, 1971, however, that the Supreme Court specifically answered the question of what means might be constitutionally utilized "to eliminate from the public schools all vestiges of state-imposed segregation." *Swann v. Charlotte-Mecklenburg Board of Education*, 91 S. Ct. 1267, 1275 (1971). The evidence adduced since this case was reopened indicates that the Jefferson Parish School System served almost 63,000 pupils in 75 schools during the 1970-1971 school year. Approximately 80 percent of the pupils are white and 20 percent are black. Presently more than 25 percent of the Jefferson Parish public schools are scheduled to remain segregated or virtually segregated in the 1971-1972 school year. These 19 one-race schools (four all-black and 15 all-white or virtually all-white) will encompass approximately 13,000 pupils, roughly 21 percent of the total.

While the court feels that the Parish has increasingly realized its legal duty to provide an equal educational opportunity to pupils of all races and that a spirit of cooperation has generally prevailed, the present situation must now be examined in light of *Swann*. The School Board has asserted that a unitary system has been adopted and that further relief is unwarranted because of residential patterns that would necessitate the daily busing of young children over lengthy and unsafe routes in the Parish.

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In the hearing and conferences thus far held, however, plaintiffs have demonstrated that massive busing is not the only solution available to overcoming the vestiges of the dual school system that previously existed in Jefferson Parish. Plaintiffs have suggested rezoning the present school districts and/or pairing schools in adjacent districts where possible.

The Swann decision endorsed various means for the institution of a genuinely unitary system, leaving the means selected within the district judge's discretion so long as the means adopted is an effective remedy. Concerning situations where some integration has taken place but where segregated schools remain, Mr.

Chief Justice Burger stated:

"[I]t should be clear that the existence of some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still practices segregation by law. The district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation and ^{will} thus necessarily be concerned with the elimination of one-race schools. No per se rule can adequately embrace all the difficulties of reconciling the competing interests involved; but in a system with a history of segregation the need for remedial criteria of sufficient specificity to assure a school authority's compliance with its constitutional duty warrants a presumption against schools that are substantially disproportionate in their racial composition. Where the school authority's proposed plan for conversion from a dual to a unitary system contemplates the continued existence of some schools that are all or predominately of one race, they have the burden of showing that such school assignments are genuinely nondiscriminatory. The court should scrutinize such schools, and the burden upon the school authorities will be to satisfy the court that their racial composition is not the result of present or past discriminatory action on their part."

91 S. Ct. at 1281.

It is the view of this court that the School Board has not met its burden of justifying the continued existence of such a substantial number of one-race schools. It is therefore necessary that the School Board officials of Jefferson Parish

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devise a remedial desegregation plan that will fully satisfy the constitutional requirements of a unitary system.

While it is the duty and responsibility of the School Board to formulate a constitutionally sound plan, the court suggests that the parties enter into cooperative consultation in order to resolve the current deficiencies as expeditiously as possible. The School Board is to be guided by the racial balance concept, but, in doing so, careful analysis should be given to the neighborhoods of each school district and every effort should be made to preserve geographic zoning criteria where there is no conflict with constitutional requirements. While busing is a permissible tool for school desegregation, and undoubtedly will be necessary to some extent, all parties have stated that there are practical limitations on the extent of any additional busing which might be required. In other words this court feels that busing should be a last resort remedy.

The School Board should therefore consider the modification of existing boundaries of school zones, pairing, and, if necessary, general rezoning. In the future, it might be added, new schools should be strategically located to enhance desegregation.

IT IS THEREFORE ORDERED that the Jefferson Parish School Board, in cooperative consultation with counsel for plaintiffs, formulate a desegregation plan for the public schools of Jefferson Parish. This plan is to comport with the requirements of *Swann v. Charlotte-Mecklenburg Board of Education*, 91 S.Ct. 1267 (1971), and with the guidelines set forth hereinabove.

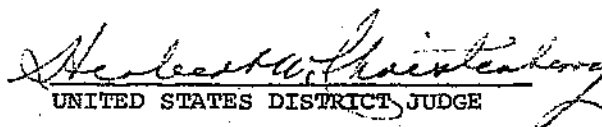
The new plan is to be submitted by the School Board to the court for approval not later than August 2, 1971, and it

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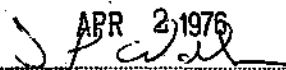
is to be implemented in the forthcoming (1971-1972) school year. While this may place a temporary burden on the School Board, the time for delay is past.

IT IS FURTHER ORDERED that the Jefferson Parish School Board integrate the faculty of each school so that the ratio of white to black teachers in an individual school reflects the ratio of white to black teachers in the school system as a whole.

New Orleans, Louisiana, this 9th day of July, 1971.


UNITED STATES DISTRICT JUDGE

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Deputy Clerk, U. S. District Court
Eastern District of Louisiana
New Orleans, La.

LENA VERN DANDRIDGE

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FOOTNOTES

1/ The all-black public schools and their enrollments are:

2434
Fourth Ward Elementary School (867), Granville T. Woods Elementary School (380), Percy Julian Elementary School (580), and Washington Elementary School (607).

Another all-black school, Avondale Gardens, has been discontinued as of the close of this past school year.

2/ The all-white or substantially all-white schools and their enrollments are:

John Quincy Adams Junior High School (1060), T. H. Harris Junior High School (1737), Airline Park Elementary School (915), Alice Birney Elementary School (867), Alexander Elementary School (586), George A. Cox Elementary School (957), J. C. Ellis Elementary School (710), Harvey Elementary School (748), Phoebe Hearst Elementary School (923), Madison Elementary School (1101), Metairie Grammar School (401), Terrytown Elementary School (892), Westgate Elementary School (693), Bissonet Plaza Elementary School (1038) and East End Elementary School (613).

The public school superintendent of Jefferson Parish stated that two other schools, John Clancy Elementary School (848) and Catherine Strehle Elementary School (956), are already scheduled to be substantially integrated in the 1971-1972 school year.