

UNITED STATES DISTRICT COURT
WESTERN DISTRICT LOUISIANA
SHREVEPORT DIVISION

AMANDA COOKSEY, ON BEHALF OF HER	*	NUMBER:
MINOR CHILDREN, NIESHA WALPOOL,	*	
ON BEHALF OF HER MINOR DAUGHTERS,	*	JUDGE:
WENDY WATSON, ON BEHALF OF HER	*	
MINOR SON, LISILA GREGG ON BEHALF	*	MAGISTRATE:
OF HER MINOR CHILD AND	*	
THE FAIR PARK ALUMNI ASSOCIATION	*	
	*	
versus	*	
	*	
CADDO PARISH SCHOOL BOARD	*	JURY DEMAND

PLAINTIFFS' ORIGINAL VERIFIED COMPLAINT

This is a civil action for declaratory and immediate, preliminary, and permanent injunctive relief, damages, costs, and attorney's fees.

I. JURISDICTION

This Court has authority over this action under 23 U.S.C. §1331 and 1343. This action arises under the Fourteenth Amendment to the United States Constitution and other federal laws, including 42 U.S.C. §1981, 1983 and 2000d, *et seq.* This Court has supplemental authority over state law claims arising from the same transactions and occurrences that form the basis of the federal claims.

II. VENUE

1. Venue is proper in this Court under 28 U.S.C. §1391 as the acts alleged to be causing harm have all occurred in a parish within this judicial district and division and the parties all reside or are domiciled in this judicial district and division. Additionally, some of the federal claims asserted herein are closely related to or arise from the provisions of a 1981 Consent Order

entered in the case of *Jones, et al v. Caddo Parish School Board*, No. 65-00695, the terms of which are being administered in this Division.

III. PARTIES

2. Plaintiffs:

a. AMANDA COOKSEY is an adult black female domiciled in Caddo Parish. She is the parent of two black students, one a freshman at Fair Park High School (“Fair Park”), and the other a sophomore, both of whom will be adversely affected the racially discriminatory actions of the Defendant as more fully described in this complaint.

b. LISILA GREGG is an adult black female domiciled in Caddo Parish. She is the parent of one black male student, an eighth-grade student who will enter in fall, 2017, who will be adversely affected the racially discriminatory actions of the Defendant as more fully described in this complaint.

c. NIESHA WALPOOL is an adult black female domiciled in Caddo Parish. She is the parent of two black female students who are attending Fair Park, one a senior the other a junior, and who will be adversely affected by the racially discriminatory actions of the Defendant as more fully described in this complaint.

d. WENDY WATSON is an adult black female domiciled in Caddo Parish. She is the parent of a black male student, a junior, who attends Fair Park and who will be adversely affected by the racially discriminatory actions of the Defendant, as more fully described in this complaint.

e. FAIR PARK ALUMNI ASSOCIATION (“Alumni Association”) is a non-profit organization the membership of which consists of those who attended and / or graduated from Fair Park in Shreveport, Caddo Parish, Louisiana. The Alumni Association is owner of irreplaceable

historic objects and artifacts that are housed by the School Board and displayed at historic Fair Park and which are being destroyed and forever lost because of the racially discriminatory practices of the School Board, all as more fully described in this complaint. The Alumni Association is represented herein by its duly authorized Director, Vera Cathryn Bonds, and a friend of the Alumni Association, Ms. Ernestine Coleman.

3. Defendant:

Named Defendant herein is the CADDO PARISH SCHOOL BOARD (“CPSB” or “School Board”), the political subdivision that governs and administers the public schools in Caddo Parish, Louisiana.

IV. BASIS OF COMPLAINT

A. Summary of Complaints

4. Plaintiffs’ complaint concerns the recent abrupt decision of the School Board to merge two all-black schools, vestiges of past government-imposed racial segregation which have never been integrated, as the solution for the School Board’s alleged need to “right-size” the district and to supposedly generate funds for teacher pay raises.

5. Plaintiffs complain that the School Board’s action is manifestly race-based in violation of the equal protection requirements of the Fourteenth Amendment to the United States Constitution, the equal protection requirements of the Louisiana Constitution and the mandates of a 1981 desegregation Consent Decree.

6. Plaintiffs complain that the School Board’s articulated purpose - the need to “right size” and, thus, allegedly generate a reserve fund for district-wide teacher pay raises - is not: (i) an interest compelling enough to justify the displacement of black students who are already at academic risk and to impose upon them the disruption of school consolidation, especially since no

race-neutral options were considered; or (ii) true. Plaintiffs further complain that the Caddo Parish schools should not be “right sized” where only the black students bear the burden.

7. The decision to merge the two all-black schools and the School Board’s immediate execution of that decision are causing Plaintiffs immediate and irreparable harm from which Plaintiffs seek an immediate temporary restraining order until a hearing can be conducted on the issue of preliminary and/or permanent injunctive relief.

B. Statement of Facts Common to All Counts

8. The School Board has been under a federal court order since 1981 to desegregate its public schools and to establish a unitary system that does not discriminate against black students (the “1981 Consent Decree”).

9. The 1981 Consent Decree has its roots in litigation that began in 1965 when the parents of 7 black children sued the School Board seeking desegregation of the public schools. The United States later intervened as a Plaintiff. In 1973, the District Court ordered the School Board to implement a desegregation plan. A desegregation plan was developed and agreed upon.

10. In 1976, the School Board filed a motion to have the school system declared unitary, which would have warranted the dismissal of the original suit; however, the United States opposed the motion. In 1977, the district court: (1) ruled that the School Board had fully complied with the 1973 court-ordered desegregation plan; (2) declared the school system to be unitary; and (3) dismissed the suit against the School Board. Thereafter, the United States filed a motion to amend the judgment, the filing of which suspended the finality of the judgment pending decision on the motion. In 1980, the district court gave notice that unless the plaintiffs’ attorneys objected, the United States, as plaintiff-intervenor, would represent the interests of the private plaintiffs; the district court did not receive any objections. The United States and the School Board then entered

negotiations, which resulted in the district court-ordered 1981 Consent Decree. (See Doc. 1, Jones, et al v. Caddo Parish School Board, Case No. 65-00695, WDLA, Shreveport Div.)

1981 Consent Order

11. In the 1981 Consent Decree, the district court determined that "the plan for the System [Caddo Parish School System ("System")] embodied in this Decree is reasonable and appropriate for the additional desegregation of the System, and upon its successful implementation will in fact and in law create a unitary school system for Caddo Parish."

12. The decree, among other things, called for the establishment of magnet schools to achieve desegregation of certain schools.

13. Part II of the 1981 Consent Decree addressed student assignments. Part II, Section E specifically addressed student assignments at schools that had been one-race schools when the desegregation lawsuit had been filed in 1965, and had remained one-race schools through the entry of the 1981 Consent Order.

14. Fair Park and Booker T. Washington High School ("BTW") are identified as one-race, all black, schools in the 1981 Consent Order.

15. The 1981 Consent Order stated that conditions then existing impeded integration of these all-black schools, but obligated the School Board to make reasonable efforts to develop programs at the all black schools that would result in integration of the all-black schools.

16. Specifically, as to the all-black Fair Park and BTW schools, the 1981 Consent Order required the School Board to examine the educational programs at the two schools for educational deficiencies, implement corrections, additions and / or modifications to the programs and to do what was necessary to "maintain such programs at an educational level qualitatively equal to that

of the remainder of the schools in the System.” The School Board was also obligated to establish special programs at Fair Park and BTW schools to attract white students to those schools.

17. In 1990, the School Board was relieved of its obligations under the 1981 Consent Order as to magnet schools and laboratory schools. However, the provisions of the 1981 Consent Order applicable to all-black schools such as Fair Park and BTW remain in force. The School Board is still obligated under the 1981 Consent Order to provide a level of education at these two all-black schools that is qualitatively equal to that of the others in the System. The School Board is also obligated to continue efforts to integrate these two historically all-black schools so that they will not continue to be maintained on a separate, but equal, basis.

The History of Booker T. Washington

18. Prior to 1950, black students in Caddo Parish attended either the over-crowded and deteriorating school known as Central High School or the Milam Street Trade School. In 1948, the School Board began to build a new high school for black students, naming it after Booker T. Washington, the black founder of the Tuskegee Institute in Tuskegee, Alabama. BTW opened in 1950, as a school for black students, replacing the decaying school facilities these students had been forced to attend previously.

19. BTW serves the Allendale neighborhood of Shreveport, Louisiana, a neighborhood that is almost completely black.

20. BTW has been placed on the National Registry of Historic Places because of its history as an historically black school.

21. The history of BTW reflects the “separate but equal” ideology of its era. Black students were given a new school, but it was a school for black students, not all students.

22. Today BTW remains a separate, all-black school. It is not, however, equal to the integrated schools in Caddo Parish. For innumerable consecutive years, BTW has been classified as a “failing” school or “Academically Unacceptable” by the State of Louisiana. The school was removed from the failing list in 2013, but remains rated a “D” school, at high risk of slipping back to an “F” rating.

The History of Fair Park

23. Fair Park was built in 1928 and expanded in 1931. In its early years, the school served an entirely white student population from the Queensborough neighborhood attendance area. The neighborhood’s racial demographics shifted, and starting in 1968 the first two black students enrolled in Fair Park High School. Over the next few years the student population became predominately black and by 1981 Fair Park was serving a student population that was almost 100% black.

24. Fair Park has been placed on the National Registry of Historic Places because of the historical significance of its external and interior architecture and design which reflect important depression-era art and architecture trends.

25. Sadly, due to the abject neglect of the School Board, Fair Park is also a failing school, rated academically unacceptable by the State of Louisiana for many consecutive years. The School Board has failed to provide Fair Park students with adequate text books, certified teachers, or the leadership necessary to meet the needs of the student population and the Board’s decades of neglect placed innumerable black students at risk of academic failure.

26. The School Board did not make anything more than a token effort to serve the all-black student population of Fair Park until it was confronted with the stark prospect of losing the facility to state control and the State’s Recovery School District. To retain School Board control

of the facility, the School Board assigned a veteran principal to the school and permitted him to hand-pick his teachers and staff. Current projections indicate Fair Park has made sufficient progress to be removed from the failing school list by the end of the 2016 / 2017 school term if the high school is not closed and its students sent to BTW.

Fair Park and BTW are Vestiges of Past Racial Discrimination

27. BTW was created to serve a single race, and the School Board has maintained that mission through this date. Fair Park was serving a single race sometime prior to 1981 and continues to serve a single race, all black, to this date. BTW has never been integrated. Fair Park was not integrated in 1981 and has not been integrated since. The history of these schools manifests the School Board's intent to maintain these as single race, all-black schools.

28. The 1981 Consent Order identified many single-race schools in the Caddo Parish School System, several of which had student populations of 90 to 100% black. BTW and Fair Park are listed in the 1981 Consent Order as single-race schools in Caddo Parish serving student populations that were (in 1981) all black.

29. BTW and Fair Park have remained all-black schools. BTW since its inception and Fair Park since sometime prior to 1981.

30. The Caddo Parish School System has never been declared unitary. The Justice Department has opposed School Board's request for declaration of unitary status, citing the Board's anemic efforts to integrate the single-race schools listed in Part II, Section E of the Consent Order, and specifically BTW and Fair Park, which were then and now remain schools with almost 100% black student populations.

31. These two schools have been, and risk remaining, failing schools. The virtually all-black student populations they serve continue to be denied the benefits of academically acceptable education programs.

32. Because these schools are vestiges of past unconstitutional race discrimination, the School Board is obligated to take all available steps to correct the original equal protection violations. It is obligated to eliminate the past effects “root and branch.” The School Board has made little effort to accomplish this purpose and seems content to wait until its hand has been forced and it has no alternative, and then merely to trim off a twig or two from the thriving, pernicious vine of racism.

33. In December 2013, Louisiana’s Recovery School District (“RSD”), a state-wide school district governed by the Louisiana Board of Elementary and Secondary Education (“BESE”) intervened in the School Board’s management of academically unacceptable schools, one of which was Fair Park.

34. The RSD entered into a Memorandum of Understanding (“MOU”) with the School Board that imposed specific requirements for the management of academically unacceptable schools. The term of the MOU was December 2013 through December 2015. The term was later extended by agreement of the parties to May 2017. The MOU addressed academic performance of the school, not racial segregation.

35. Preliminary reports indicate the actions taken under the MOU were having the desired effect of improving the academic performance of Fair Park students. Indications were that upon calculation of the results of end of course testing, Fair Park would rise from an “F” school to a “D” school, and would no longer be at risk of takeover by the RSD.

36. Before the end of course testing could even be administered, the School Board shut the door on any possibility that Fair Park would improve academically by voting to close the high school and transfer the Fair Park students to another all-black high school, BTW.

37. In January 2017, the School Board approved a plan to merge these two all-black schools and to concentrate the black student population in the affected neighborhoods at BTW, an historically black school built and maintained specifically for separating students by race.

The Unconstitutional Government Action

38. On January 17, 2017, the School Board voted to modify the grade configurations at Fair Park to convert the school from grades 9 -12 to middle school for grades 6-8 or 7-8. The School Board further voted to assign the Fair Park high school students to attend at BTW. Specifically, the School Board voted to authorize the School Superintendent to:

“seek authorization from RSD and / or DOE to make modifications to the Transformation Partnership Agreement in order to effectuate the changes necessary to convert Fair Park High School to a middle school and Booker T. Washington to a 9-12 high school.”

39. Board members Dr. Bonita Douzart, Jasmine Green, Raymond Green and Barry Rachel opposed the motion. Board members Steve Riall, Margaret Brown, Mary Trammel, Denee’ Locke, Larry Ramsey, John Allbritton, and Dottie Bell voted in favor and the motion carried.

40. Immediately, the next morning, teachers at Fair Park were given written notice that they would be assigned the next year to teach at BTW high school. Students at Fair Park were notified that they would be attending BTW high school next term.

41. Superintendent of Caddo Parish Public Schools, Mr. Lamar Goree’s (“Superintendent Goree”) staff and the administrators of BTW and Fair Park began working on the logistics of merging the Fair Park high school students with the BTW high school students on the BTW campus.

The Prohibited Racial Classification

42. The School Board's decision to merge the all-black student population of Fair Park with the all-black student population of BTW treats the students of these two schools differently from the students at other high schools in Caddo Parish on the basis of the students' race.

43. The members of the School Board were fully informed at the time they voted to merge the two schools that they were making a decision based entirely upon race-based criteria. Superintendent Goree posed the issue in terms of the survival of the existence of two high schools. The School Board had to choose between continuing the existence of BTW or Fair Park. "[W]ill we preserve the history of Caddo's only all Black historic high school or will we preserve the history of a high school that is 90 years old?" Superintendent Goree asked the School Board.

44. The members of the School Board then made a choice. BTW, the historically all black high school, would survive. Fair Park, a school that had transitioned from all-white to all-black during its 90-year history, would close as a high school. By choosing to merge the all-black student populations of BTW with the all-black student population of Fair Park, not only would BTW survive as a high school, and an historically black school, but it would continue to serve its historical segregationist purpose, a purpose it has served without interruption since the school first opened its doors in 1950: to educate black students only.

45. The School Board's decision to merge these two schools, each all-black student populations, into a single school with an all-black student population for the purpose of preserving the historical racial identity of one of the schools is unconstitutionally race-based. By selecting these two all-black schools in the first place -- the School Board impermissibly treated the students at these two schools differently on the basis of their race. The School Board then impermissibly used race-based criteria to select which school's identity would survive the merger.

No Compelling Purpose

46. School Board Member Ramsey articulated the purpose for the merger: “to provide savings to the general fund.” He further proposed that “this Board reserve the savings for teach pay raises.” [Doc. 699]. When the proposal was approved on January 17, 2017, the articulated purpose was much the same: (1) “to bring resources together, combine staffs and hopefully address and eliminate the number of teacher vacancies / shortages”; and (2) “right-size” the district.

No Consideration of Race Neutral Alternatives

47. Board member Ramsey’s proposal to merge BTW and Fair Park surprised Superintendent Goree, who stated to the School Board that he had no prior notice. The minutes reflect that Superintendent Goree first learned of the proposal at the School Board’s work session on January 10, 2017, and he and his staff had no time or opportunity to study the proposal or study and report upon its potential adverse effects prior to the School Board’s vote on January 17, 2017, to approve the proposal.

48. The School Board had previously implemented a Strategic 5-year plan (“Strategic Plan”) that addressed school closings and mergers and a procedure for consideration of such actions. The Strategic Plan did not anticipate the changes Board member Ramsey proposed. The School Board has a policy and procedure for studying the potential effects of school closings and mergers, including a committee established to serve that purpose.

49. The attempt of several board members to refer the proposed merger to committee for further study was rejected. School Board members Dr. Bonita Douzart, Jasmine Green, Raymond Green and Barry Rachel opposed the merger. However, a majority of School Board members voted in favor of the merger.

50. The proposal, approval, and implementation of the merger of these two all-black schools occurred within the span of seven (7) days, and contrary to long-established School Board policies and procedures requiring the study and analysis of mergers and closures. This is true despite the fact that the Superintendent requested additional time to study the proposal.

51. Had the School Board followed its own procedures and had it permitted the Superintendent and his staff, school principals and administrators, to study the proposal and options and render a report, not only could the School Board have considered race-neutral alternatives, it could also have considered the academic and social stress a hastily planned merger would place upon two academically at-risk student populations.

52. There is no educational value to the students in this reconfiguration. The purpose of the reconfiguration is to supposedly “right size” and to develop a reserve fund to use for teacher pay increases. Even assuming, arguendo, that this were true (and the same is disputed), the students at these two schools do not benefit academically from the merger.

53. The merger was announced in January 2017 and steps to implement the merger began almost immediately. This lowered student morale and interfered with preparations for end of course testing which occurred in mid-April 2017.

54. Fair Park had enough points accumulated, for purposes of establishing the school’s academic achievement, to be classified a “D” school by the end of the 2016/2017 term in May 2017. End of course testing results could advance the school to a “C” rating, assuming the School Board’s proposed merger and rush to convert the physical plant while testing was being conducted did not adversely affect student performance.

55. BTW has approximately 400 high school students. Fair Park has 700 students. BTW is a much smaller school and is not equipped to accommodate an influx of 700 additional students.

56. BTW has the capacity for only 1000 students. Experts recommend that a student population not exceed 75% of the school's capacity. The School Board's policy is to populate its schools at 85% capacity.

57. The merger will increase the BTW enrollment to 1100 or more students, forcing the school to operate above 100% capacity. Consequently, upon the merger of these two schools, the all-black student populations will be taught in a single school facility filled beyond capacity while students at white schools and integrated schools are being taught in schools functioning at only 75% to 85% capacity. The consequences of having to attend a school functioning in excess of the capacity the School Board has set for its schools will fall entirely upon the black students attending the two all-black schools the School Board selected for this alleged "money saving" merger. If this merger saves the School Board any money, it will be at the expense of the educations of these two all-black student populations as there is not enough classroom space at BTW for each teacher to have an assigned classroom. Some teachers will float, or co-teach.

58. Further, Fair Park students who had been walking to their neighborhood school will now be transported by bus to BTW. This impedes the ability of the Fair Park students to participate in pre-school and after-school extra-curricular activities such as clubs, study groups, and sports -- the types of activities that enrich student life and academic achievement and enhance college and employment applications.

59. The School Board has also failed to consider that the merger will exacerbate a long-standing rivalry between the neighborhoods from which these two student populations are drawn.

There is genuine risk that the students will engage in violent physical conflict when forced into the same classrooms on the same campus.

60. The unnecessary exacerbation of this neighborhood rivalry will result in student suspension and expulsions, further impeding the academic progress of these all-black, at risk students.

61. Fair Park students have sound reason to fear that the merger with BTW will exacerbate an on-going feud between the two neighborhood schools and erupt in physical violence. The source and history of the conflict are uncertain, but the feud is long-standing, dating back many decades. Recent events indicate the current generation of students are vested in the conflict. It has already resulted in physical conflict and violence on the BTW campus.

62. Less than two weeks ago, after the merger was announced, a former Fair Park student was attacked at BTW on the school grounds. The brutal attack was directly related to the announced merger and arose from the long-standing feud between the two schools. To avoid further violence, BTW's principal cancelled a carnival / pep rally minutes before it was scheduled to begin.

63. The School Board has failed to take into consideration social factors that will place students at greatly increased risk of physical harm.

64. The School Board's vote authorized the Superintendent to seek appropriate consent from the Recovery School District and/or the Department of Education to modify the School Board's Transformation Partnership Agreement with the State to convert Fair Park to a middle school and merge Fair Park students with the student population at BTW.

65. The very next day, before state approval could possibly have been obtained, the Superintendent issued notices of teacher and student of their re-assignments from Fair Park to BTW.

66. Shortly thereafter, the School Board began modifying the Fair Park campus to accommodate middle school students, activities which indicate state approval of the merger has been granted, or if not granted, there has issued a promise of approval sufficient to justify the School Board's actions to implement the merger without formal approval.

67. The School Board is already undertaking construction projects to facilitate the merger and re-purposing of Fair Park as a middle school. Some of the construction and dismantling took place at Fair Park preceding and during student end of year testing. These construction projects are not only unreasonably disrupting the learning and testing environment, they are causing damage to the historical aspects of the building and damage to the artifacts and items of historical significance owned by the Fair Park Alumni Association and housed at Fair Park.

Injury to the Student Plaintiffs

68. The School Board's decision to merge Fair Park and send students in that attendance zone to BTW has and will continue to cause unconstitutional injury to the students whose parents are plaintiffs herein.

69. Amanda Cooksey's daughter ("Sophomore Student Cooksey") is in the 9th grade at Fair Park and will be advancing to the 10th grade.

70. Wendy Watson's son ("Senior Student Davis") is in the 11th grade at Fair Park and will be advancing to the 12th grade. He has a high-grade point average and is a member of two sports teams that practice after school. He can walk to Fair Park from his home. Senior Student

Davis is active in student government and has a high academic achievement record despite the school's failing academic status.

71. Forcing Senior Student Davis to attend a school that will be populated far above capacity will diminish the educational opportunities and place him at high risk of reduced achievement.

72. He will no longer be able to walk to and from school, which means he will be unable to remain involved in before and after-school extra-curricular activities such as clubs and sports participation, activities that support and enrich an academic environment and help students develop the skills necessary to succeed in post- high school studies and employment.

73. Niesha Walpool's two daughters are also affected by the merger. Her older daughter is in the 11th grade at Fair Park and will be advancing to grade 12 (Senior Student Stinson). Senior Student Stinson will suffer the same deprivations as the other students.

74. Plaintiff Walpool's younger daughter is in the 9th grade and will advance to the 10th grade next school term ("Sophomore Student Stinson"). Sophomore Student Stinson will suffer the same deprivations as the other students.

75. Plaintiff Lisila Gregg has one son, who will adversely be affected by the merger. He is currently in the 8th grade and will be advancing to the 9th grade in the fall of 2017 ("Freshman Student Gregg). Freshman Student Gregg will experience the same deprivations as the other students.

76. Additionally, these students will be at increased risk of physical harm due to the high likelihood of on-campus violence arising from the conflict between the two neighborhoods. The actual violence, or even the perceived threat of violence will create a hostile learning

environment adversely affecting the academic achievement of these students, who are already at an unacceptable risk of academic failure.

77. These students cannot get these academic years back once taken from them. Unless an immediate injunction is entered the unconstitutional act of the School Board to merge these two all-black schools will place these students in immediate academic and physical peril for no reason other than their race.

Injury to the Alumni Association

78. Irreplaceable artifacts and items of historical significance owned by the Alumni Association and displayed at Fair Park are at great risk of loss or damage.

79. The Alumni Association has invested in maintenance and preservation of the historic building.

80. The School Board is already undertaking construction projects to facilitate the merger and re-purposing of Fair Park as a middle school for an all-black student population. These construction projects are causing damage to the historical aspects of the building and damage to the artifacts and items of historical significance owned by the Fair Park Alumni Association which the Alumni Association has allowed the School Board to display at Fair Park.

81. The physical changes being made to Fair Park to accommodate middle school students will result in the school ceasing to meet the requirements for listing in the National Registry of Historic Places. The qualities original to the building which led to the building's inclusion on the list of Historic Places, such as historic interiors, are being removed and modified to accommodate the discriminatory merger.

82. Chalk boards and their wooden frames all original to the building and which have been protected during prior renovations and retro-fittings, are being removed and destroyed.

83. Teacher cabinets and other wooden cabinets, and other interiors unique to the school, built with federal monies during the Depression-era programs could be torn out and discarded.

84. Irreplaceable artifacts and items of historical significance owned by the Alumni Association and displayed at Fair Park could be lost. Valuable and irreplaceable books dating from the earliest days of the school and housed in the Fair Park library are being purged, discarded, and sold for the nominal sum of a dime.

85. If immediate action is not taken to stop the School Board from purging the Fair Park facility of objects and items reflective of the school's historic past, these objects and items will be lost forever.

86. If immediate action is not taken to cease modifications the integrity of historical interior physical attributes that contributed to Fair Park's placement on the National Registry of Historic Places will be lost forever and the school's placement on the registry jeopardized.

87. If immediate action is not taken to cease modifications, irreplaceable artifacts and items of historical significance owned by the Alumni Association and on display at Fair Park High School will continue to be damaged and lost. The loss of items of historic significance is an irreparable loss for which an award of damages cannot compensate.

88. By these actions the School Board is discriminating based on race against the students at Fair Park and BTW. The School Board is discriminating against the students at these schools based on race and in violation of the 1981 Consent Decree, the Fourteenth Amendment to the United States Constitution, and the equal protection requirements of the Louisiana Constitution. The School Board's efforts to implement the discriminatory merger carelessly and expeditiously places Fair Park at risk of losing the historic integrity of the building's interior,

permanent loss of structural and design artifacts, and places the structure at risk of removal from the National Registry of Historic Places.

Notice to Cease and Desist

89. On April 28, 2017, counsel for Plaintiffs sent written notice to the School Board to Cease and Desist the discriminatory merger of the two high schools. The School Board responded through its counsel on May 3, 2017, that it intended to move forward with its plans.

90. The School Board then escalated its efforts to modify the Fair Park environment to accommodate middle school students. While Fair Park high school students were engaged in end of course testing the week of May 1 through 4, 2017, the School Board engaged in noisy and disruptive projects such as the removal of large items and equipment from the school and the classrooms, purging the library of books, and remodeling and painting of the physical facility. During the week of end of course testing, it is the usual practice for all other school activities to be suspended so students can concentrate on testing.

91. During the week of end of course testing, it is the usual practice for all other school activities to be suspended so students can concentrate on testing. The School Board chose that week, while the students were testing, to dismantle Fair Park and to allow noxious fumes to permeate the students' testing environment. The School Board not only conducted these activities during "dead week," it escalated the level of disruption after receiving the Plaintiffs' Cease and Desist Notice. Fair Park students have several weeks of classroom instruction remaining. The School Board is continuing to carry out the physical conversion of Fair Park from a high school to a middle school in an unnecessarily disruptive manner and punitively interfering with the few precious instructional days remaining for these students in the school term.

V. CAUSES OF ACTION

COUNT I

42 U.S.C. 1983

92. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

93. Acting under Color of Law the Caddo Parish School Board has by official action deprived Plaintiffs of rights arising under the United States Constitution and other federal laws. These wrongs are actionable under 42 U.S.C. §1983.

A. Violation of the 1981 Consent Order

94. The 1981 Consent Order permitted the School Board to maintain Fair Park and BTW as one-race, all-black schools, provided the School Board provided the black students attending those school with educational opportunities equal to those provided to students attending the integrated schools.

95. The School Board has excelled in maintaining the two schools as “separate” but failed miserably at maintaining them as “equal” to the integrated schools. The School Board has failed to provide effective administration at these schools. These schools are perceived as unfavorable assignments for teachers and administrators. These schools receive the less experienced teachers and are more likely than integrated schools to have uncertified teachers or uncertified substitute teacher on a long-term basis in principle subjects.

96. These two schools were the product of de jure segregation before the 1965 desegregation lawsuit was filed and the fact that the 1981 Consent Order even permits the School Board to maintain these two schools as one-race schools perpetuates race discrimination in the

system. The 1981 Consent Decree's permission to maintain single-race schools has permitted the vestiges of race discrimination to exist, and even thrive, in the Caddo Parish school system.

B. Violation of the Fourteenth Amendment

97. The School Board's articulated reason for having to merge and close schools is the need to consolidate resources to free up funds for teacher raises and to accommodate a shifting student population.

98. The School Board's plan to achieve these goals by taking action that affects only black students at two all-black schools is facially race-based and in violation of the Equal Protection clause of the Fourteenth Amendment to the United States Constitution.

99. The Equal Protection Clause of the Fourteenth Amendment provides that no State shall "deny to any person within its authority the equal protection of the laws." US. CONST., amend. XIV, Section 1. The "central mandate" of the Fourteenth Amendment "is racial neutrality in governmental decision making." Miller v. Johnson, 515 US 900,904, 115 Sc.D. 2475, 2482, 132 Led 2d 762 (1995) (citing Loving v. Virginia, 388 U.S. 1, 11, 87, Sc.D. 1817, 1823, 18 L Ed. 2d 1010 (1967) and McLaughlin v. Florida, 379 US 184, 191-192, 85 Sc.D. 283, 287-288, 13 Led 2d 222 (1964).

100. In 1989, in City of Richmond v. J.A. Corson Co., 109 S. Ct. 706, the United States Supreme Court clarified that the constitutionality of all governmental racial classifications must be evaluated under a strict scrutiny standard. Strict scrutiny requires that a racial classification be (1) justified by a compelling government interest and (2) narrowly tailored to further that interest. Adamant Constructors, Inc. v. Pena, 115 S. Ct. 2097, 2113 (1995); Black Fire Fighters Assn v. Dallas, 19 F.3d 992, 995 (5th Cir. 1994)

101. The School Board has no compelling governmental interest that is served by merging one all-black school with another.

102. The School Board's decision to merge BTW and Fair Park is race-based because the only schools affected have all-black student populations. The School Board's articulated purposes are not compelling. The alleged savings that would be reserved for supposed teachers' raises as a result of this proposed configuration make each black student attending these schools compulsory fundraisers. Black students should not, alone, bear the burden of fundraising future teacher pay raises. Further, the School Board has never demonstrated that shifting student populations in these two neighborhoods required "right sizing." Fair Park was over capacity with more than 700 students 9th – 12th grades. BTW, which has approximately 400 high school students, grades 9th – 12th, and was also operating at or near capacity. Sending 700 students onto the smaller BTW campus does not "right size" the district. It swamps the smaller school and places it at risk of capsizing.

103. The School Board's decision to merge the two schools cannot pass strict scrutiny analysis. There was no race-neutrality in the Board's decision-making. Additionally, the merger is not a narrowly tailored remedy. The School Board had the option of merging BTW with another nearby schools that were already integrated, but chose not to do so. The School Board also had the option of merging other schools in the System, rather than these two schools, thus to avoid placing the burden of fiscal conservation entirely upon a black student population. For example, North Caddo High School, a school with a declining enrollment, could have been merged with Northwood High School, a merger that would have avoided burdening students of one race.

104. The Superintendent summarized the School Board's choice as between an all-black school that has historic significance because it was built specifically for black students in

furtherance of segregation de jure practices or another school with an all-black student population housed in an historic building originally built for white students. No other options were considered.

105. Assuming, arguendo, the School Board's articulated reason for merging schools is the need to "right size," the School Board has not conducted any analysis to determine if the displacement of black students from Fair Park and merging that student body with the student body at BTW is a narrowly tailored remedy. The same is true for the freeing of funds for teacher pay increases.

106. Neither the Superintendent, nor the School Board, explored any race-neutral options to achieve its articulated goals of "right sizing" the district and freeing funds for teacher pay increases.

107. Two years ago, the School Board adopted a Strategic Plan that included a procedure for identification of over-capacity schools, under-capacity schools, school closures, mergers, and use of vacant property.

108. The School Board disregarded its own policies and procedures when it determined without any prior study that it should achieve its goals of "right sizing" the district and freeing funds for teacher pay raises by closing all-black Fair Park and sending those students to attend all-black BTW.

109. The decision to merge BTW with Fair Park violates the Equal Protection clause of the Fourteenth Amendment to the United States Constitution. The decision is manifestly race-based. It perpetuates segregation of these black students. The School Board did not even consider race-neutral alternatives.

COUNT II

La. Civil Code art. 2315

110. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

111. The decision to merge two all-black schools also violates the Louisiana Constitution's prohibition against racial classifications, a wrong actionable under La. Civil Code article 2315.

112. Article I, Section 3 of the Louisiana Constitution provides:

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

113. The School Board's decision to merge all-black Fair Park with all-black BTW as the solution to the School Board's alleged need to "right size" schools or raise funds, discriminates against black students based on their race.

114. The School Board's decision is facially race-based. The only two schools affected are all-black schools. The School Board's selection of two all-black schools for merger is a racial classification of the students who attend these schools.

115. The Louisiana Constitution prohibits governmental actions and policies that classify individuals on the basis of race. The Louisiana Constitution provides greater protection against racial classifications than the protection provided under the Fourteenth Amendment to the United States Constitution.

116. Louisiana does not require any level of scrutiny. “When the law classifies individuals by race or religious beliefs, it shall be repudiated completely.” Louisiana Associated General Contractors, Inc. v. State of Louisiana, 95-2105 (La. 3/8/96), 699 So. 2d 1185.

117. The School Board’s selection of two all-black schools for consolidation, schools that have never been integrated despite a long-standing federal desegregation order, violates the Louisiana Constitution’s prohibition against racial classifications. Compelling purpose is irrelevant under Louisiana law. The Board selected two schools that were all-black schools and by doing so imposed the full burden of its financial “right-sizing” upon black students only. White students are not affected by this merger. The decision to merge two all-black schools denies equal protection of the laws to the black students who attend these schools, in violation of the Louisiana Constitution. This provides an independent basis for declaratory and injunctive relief.

COUNT III

Unconstitutional taking from the Alumni Association

42 U.S. C. §1983

118. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

119. The Fair Park Alumni Association has invested in maintenance and preservation of the historic building.

120. The Fair Park Alumni Association owns artifacts and items of historical significance that it has loaned to the School Board for display in Fair Park.

121. The Alumni Association has a vested interest in the preservation of the documented history of Fair Park High School, documentation being lost due to the School Board’s actions, all as described in this Complaint.

122. The destruction of the Alumni Association's alma mater and the government-authorized looting of the school's historic objects and artifacts deprive the Alumni Association of property without procedural due process.

COUNT IV

Alumni Association State Law Claims

123. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

124. The same facts which establish unconstitutional taking of Alumni Association property as described in Count II also establish tort claims against the School Board in favor of the Alumni Association under Louisiana law.

125. The School Board is liable for unlawful taking of Alumni Association property in violation of the Louisiana Constitution.

126. The School Board is liable for unlawful taking and damaging of Alumni Association property in violation of Louisiana tort law.

PRAYER FOR RELIEF

Having shown on the face of their complaint that constitutional injury has occurred and they have a strong likelihood of success on the merits, and as more fully set forth in the accompanying application and supporting memorandum, Plaintiffs request an order of this Court compelling the Caddo Parish School Board to cease and desist all acts to accomplish the merger until a hearing can be held to determine whether the order should be extended through the duration of the case.

Plaintiffs seek a trial on the merits of their claims and upon the conclusion of due proceedings the entry of an order declaring the actions of the Caddo Parish School Board to be in

violation of the Equal Protection requirements of the Fourteenth Amendment to the United States, the Equal Protection provisions of the Louisiana Constitution, and the 1981 Consent Order.

Plaintiffs further seek an order of this Court compelling the Caddo Parish School Board to cease permanently racially discriminatory practices and further compelling the Caddo Parish School Board to eradicate all effects from the vestiges of past unconstitutional racist practices.

Pursuant to the provisions of 42 U.S.C. Section 1983, Plaintiffs seek an award of compensatory damages;

Pursuant to the provisions of 42 U.S.C. Section 1988, Plaintiffs seek reimbursement of their costs, including expert witness fees and expenses, and their attorneys' fees.

Plaintiffs further seek all additional legal and equitable relief as may be necessary to remedy the claims set forth herein and within the power of this Court to grant.

Respectfully submitted,

DOWNER, JONES, MARINO & WILHITE
401 Market Street, Suite 1250
Shreveport, LA 71101
Tel: 318-213-4444
Fax: 318-213-4445

Allison A. Jones, Bar No. 16990
Pamela R. Jones, Bar No. 19640

By: /s/ Allison A. Jones
ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT LOUISIANA
SHREVEPORT DIVISION

AMANDA COOKSEY, ON BEHALF OF HER	*	NUMBER:
MINOR CHILDREN, NIESHA WALPOOL,	*	
ON BEHALF OF HER MINOR DAUGHTERS,	*	JUDGE:
WENDY WATSON, ON BEHALF OF HER	*	
MINOR SON, LISILA GREGG ON BEHALF	*	MAGISTRATE:
OF HER MINOR CHILD AND	*	
THE FAIR PARK ALUMNI ASSOCIATION	*	
	*	
versus	*	
	*	
CADDO PARISH SCHOOL BOARD	*	JURY DEMAND

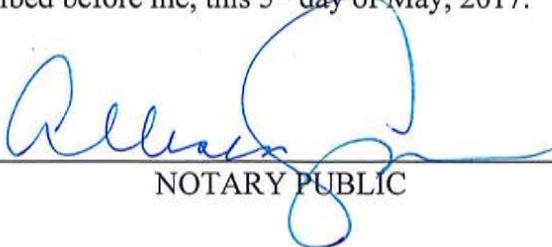
VERIFICATION

Having been properly sworn, Vera Cathryn Bonds stated under oath in my presence as follows: she is authorized to execute this verification on its behalf and to the best of her knowledge, information, and belief, all the facts in the foregoing Original Verified Complaint are true and correct as stated.



Vera Cathryn Bonds

Sworn and Subscribed before me, this 5th day of May, 2017.



NOTARY PUBLIC

ALLISON A. JONES, NOTARY PUBLIC
LA. SAR ROLL NO. 18990
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

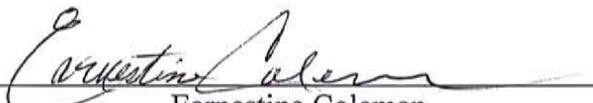


UNITED STATES DISTRICT COURT
WESTERN DISTRICT LOUISIANA
SHREVEPORT DIVISION

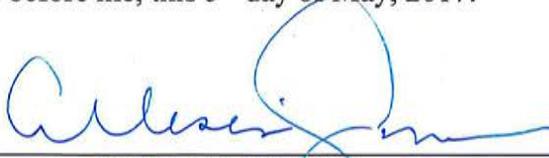
AMANDA COOKSEY, ON BEHALF OF HER	*	NUMBER:
MINOR CHILDREN, NIESHA WALPOOL,	*	
ON BEHALF OF HER MINOR DAUGHTERS,	*	JUDGE:
WENDY WATSON, ON BEHALF OF HER	*	
MINOR SON, LISILA GREGG ON BEHALF	*	MAGISTRATE:
OF HER MINOR CHILD AND	*	
THE FAIR PARK ALUMNI ASSOCIATION	*	
	*	
versus	*	
	*	
CADDO PARISH SCHOOL BOARD	*	JURY DEMAND

VERIFICATION

Having been properly sworn, Earnestine Coleman stated under oath in my presence as follows: she is authorized to execute this verification on its behalf and to the best of her knowledge, information, and belief, all the facts in the foregoing Original Verified Complaint are true and correct as stated.


Earnestine Coleman

Sworn and Subscribed before me, this 5th day of May, 2017.



NOTARY PUBLIC

ALLISON A. JONES, NOTARY PUBLIC
LA. BAR ROLL NO. 10000
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

[Faint circular notary seal]