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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALDWELL PARISH SCHOOL BOARD,
et al.,

Defendants.

Civil Action No. 71-CV-16751

AGREED ORDER OF DISMISSAL

In November 2009, the United States sent Caldwell Parish School District ("District") a supplemental information request, as part of a unitary status review initiated by the Honorable Judge Robert James. After reviewing data provided by the District as well as other publicly available information, the United States advised the District that, in its view, the District had fulfilled its affirmative desegregation obligations under the Fourteenth Amendment and applicable federal law, entitling it to a declaration of unitary status. As indicated by the signatures of counsel below, the parties request that the Court approve this Agreed Order of Dismissal, declare that the District has achieved unitary status, and dismiss this case.

I. PROCEDURAL HISTORY

On June 8, 1971, Caldwell Parish was ordered by the Western District of Louisiana to desegregate by turning three schools into a single-grade school system. Under this Order all students in grades 9-12 attended Caldwell High School, all students in grades 7-8 attended

Caldwell Jr. High School and all students in grades k-6 attended what was formerly Central High School. On August 5, 2002, a Consent Decree was entered by the Court addressing extracurricular activities, special education, and faculty hiring in the District. Most recently, in order to achieve the necessary racial balance at Union Central Elementary School and at Grayson Elementary School, the Court re-zoned two of the zones in the District.

To assess the status of the District's desegregation efforts, the United States initiated its most recent review of this case in November 2009 by requesting that the District submit information regarding student assignment, transfers, faculty and staff assignment, gifted and special education, facilities, transportation and extracurricular activities.

II. STIPULATED FACTS

A. *Student Assignment*

The District operates seven schools, including four elementary schools serving K-6, one junior high school serving 7-9 and one high school serving 10-12. In 2009-10 the District had approximately 1698 total students.¹ The racial composition of the District's enrolled student body was approximately 19.4% black, 79.2% white, and 1.4% Hispanic. The student enrollment data for the District's schools during the 2010-11 school year, disaggregated by race, is set forth below:

Student Enrollment

Location	% White	% Black	% Hispanic
Caldwell High 444 students	77.3	20.9	1.8

¹ The District also operates a Pre-K school, whose enrollment is not included in the total.

Caldwell Jr. High 236 students	79.2	19.9	0.4
Union Central ES 223 students	62.8	32.7	4.5
Columbia ES 290 students	87.6	12.1	0.3
Grayson ES 266 students	83.1	16.5	0.4
Kelly ES 119 students	85.7	14.3	0
Total of 1578 students	79	19.7	1.3

At each school students were assigned to classrooms on a non-discriminatory basis according to their grade level.

B. Faculty and Staff Assignment

For the 2009-10 school year the District employed 138 certified staff members (i.e., teachers and administrators) of which approximately 5% were black and 94% were white. The racial composition of certified staff at each school reflects the racial composition of certified staff for the District as a whole. The certified staff data for the District during the 2010-11 school year, disaggregated by race, is set forth below:

Certified Staff

Location	% White	% Black	% Hispanic
Caldwell High 41 staff members	95	5	0
Caldwell Jr. High 24 staff members	87.5	8.3	4.2

Union Central ES 22 staff members	95	5	0
Columbia ES 21 staff members	95	5	0
Grayson ES 18 staff members	100	0	0
Kelly ES 18 staff members	94	6	0
Total of 144 staff members	94.4	5	0.6

Faculty and staff were assigned to District schools on a non-discriminatory basis. In addition, the District is taking affirmative steps to recruit minority teaching candidates, including participating in teacher job fairs at Grambling State University, Northwestern State University, University of Louisiana-Monroe, Louisiana Tech University and Southern University.

C. Transportation

The extant 1971 Order obligated the District to provide all eligible students with transportation on a non-segregated and non-discriminatory basis. An examination of materials submitted by the District reveals no evidence of discrimination or other non-equitable treatment in the transportation of students to District schools.

D. Facilities

As part of the United States' review, an on-site visit was conducted at each of the District's four elementary schools, in part, to assess the overall quality of each of the facilities.² While each school facility was unique and some were older than others, the on-site visit did not

² Caldwell High School and Caldwell Jr. High School are single-grade schools where all white, black and Hispanic students in the District attend. As such, an evaluation of these facilities was not conducted.

indicate a significant drop-off in the overall quality of facilities at any of the four schools visited.

E. Extracurricular Activities

Data furnished by the District reflects that all students are provided an equal opportunity to participate in sports, academic competition teams, and in other extracurricular clubs. Minority students successfully compete for school accolades, and rewards or recognition are not issued on the basis of race.

III. LEGAL ANALYSIS

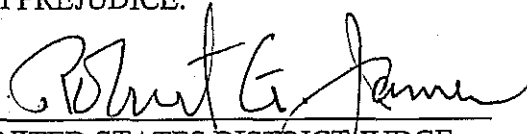
The remedial objective of a school desegregation case is to convert a *de jure* segregated school system to a system without identifiable "white schools" or "black schools," i.e., the district is no longer operating a dual school system and is inclusive of all races. Green v. County School Bd. Of New Kent, 391 U.S. 430, 442 (1968). The standard established by the Supreme Court for determining whether a school district has achieved unitary status, thereby warranting termination of judicial supervision, is: (1) whether the school district has fully and satisfactorily complied with the court's desegregation orders for a reasonable period of time; (2) whether the school district has eliminated the vestiges of past *de jure* discrimination to the extent practicable; and (3) whether the school district has demonstrated a good faith commitment to the whole of the court's orders and to those provisions of the law and the Constitution that formed the predicate for judicial intervention in the first instance. See Missouri v. Jenkins, 515 U.S. 70, 88-89 (1995); Freeman v. Pitts, 503 U.S. 467, 491-92, 498 (1992); Board of Educ. of Oklahoma City Pub. Sch. v. Dowell, 498 U.S. 237, 248-50 (1991).

The Supreme Court has identified six areas, commonly known as the "Green factors," which must be addressed as part of the determination of whether a school district has fulfilled its

duties and eliminated all vestiges of the prior dual school system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) facilities; and (6) extracurricular activities. See Green, 391 U.S. at 435; Freeman, 503 U.S. at 486. The Green factors are not a rigid framework, and the Supreme Court has endorsed the consideration of other factors, such as “quality of education,” to determine whether a school district has satisfied its desegregation obligations. See Freeman, 503 U.S. at 492-93.

The information demonstrates that the District has complied with the Court’s desegregation orders for a reasonable period of time and has eliminated the vestiges of past *de jure* discrimination to the extent practicable. The Court, therefore, concludes that the Caldwell Parish School District has met the legal standards for a declaration of unitary status and is entitled to dismissal of this action.

Accordingly, it is hereby ORDERED that all prior injunctions against the Caldwell Parish School District are DISSOLVED, jurisdiction is TERMINATED, and the case against the Caldwell Parish School District is DISMISSED WITH PREJUDICE.

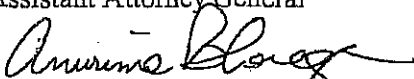

UNITED STATES DISTRICT JUDGE

ENTERED THIS 5 DAY OF July, 2011, MONROE, LOUISIANA.

APPROVED:

For the United States:

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CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of June 2011, a true copy of the foregoing Agreed Order of Dismissal was served via first-class mail, postage prepaid, upon the following counsel of record:

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