

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

JOYCE MARIE MOORE, ET AL.,
Plaintiffs,

CIVIL ACTION NO.: 65-15556

VERSUS

SECTION "B" (1)

TANGIPAHOA PARISH SCHOOL BOARD,
Defendant

JUDGE: IVAN L. R. LEMELLE

**MOTION FOR UNITARY STATUS IN THE AREAS OF EMPLOYMENT AND
ASSIGNMENT OF PRINCIPALS, ASSISTANT PRINCIPALS
AND THE EMPLOYMENT OF COUNSELORS**

NOW INTO COURT, through undersigned counsel, comes Defendant Tangipahoa Parish School Board who moves the court for a declaration of unitary status in the areas of principal and assistant principal hiring and assignments of principals and assistant principals on non-discriminatory bases and for the employment of counselors for reasons more fully set forth in the the concurrently filed Memorandum in Support of Motion for Unitary Status in the Areas of Employment and Assignment of Principals, Assistant Principals, and Counselors.

WHEREFORE, Defendant Tangipahoa Parish School Board prays an order be entered by the court declaring the Tangipahoa Parish School System unitary in the areas of principal and assistant principal hiring and assignments of principals and assistant principal on a non-discriminatory bases and the employment of counselors and relinquishment of judicial supervision.

By Attorneys,

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s/ Robert L. Hammonds
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s/ Pamela Wescovich Dill
Pamela Wescovich Dill (La. Bar # 31703)

Attorneys for Tangipahoa Parish School Board

CERTIFICATE OF SERVICE

I hereby certify that on March 27th, 2013, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Charles L. Patin, Jr.
Charles L. Patin, Jr.

UNITED STATES DISTRICT COURT

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SECTION "B" (1)

TANGIPAHOA PARISH SCHOOL BOARD,
Defendant

JUDGE: IVAN L. R. LEMELLE

MEMORANDUM IN SUPPORT OF MOTION FOR UNITARY STATUS
IN THE AREAS OF EMPLOYMENT AND ASSIGNMENT OF PRINCIPALS
AND ASSISTANT PRINCIPALS
AND THE EMPLOYMENT OF COUNSELORS

MAY IT PLEASE THE COURT:

Defendant Tangipahoa Parish School Board is entitled to the entry of a judgment declaring it unitary in the areas of employment and assignment of school-site administrative personnel comprised of principals and assistant principals, and the employment of counselors. The school board submits a) there has been full and satisfactory compliance with the Orders of the court with respect to school-site administrative hiring and the assignment of school-site administrators on a race neutral basis, and the employment of counselors; b) further judicial supervision in these areas is no longer necessary or practicable to assure achievement of compliance with other facets of the court's judgment in Record Document No. 876 or other Orders of the court; and c) the school board has demonstrated and continues to demonstrate to the public and to those on whose behalf the lawsuit was filed its good faith commitment to the whole of the court's Orders and to those provisions of the law and the Constitution that were the predicate for federal judicial intervention in the first instance in the areas of school-site administrative hiring and assignments.

THE PRESENT MOTION IS PROPERLY BEFORE THE COURT

The present motion is properly before the court. Both controlling federal precedents and this court's Orders authorize the filing of the present motion.

"A federal district court in a school desegregation case has the discretion to order incremental or partial withdrawal of its supervision and control." *Freeman v. Pitts*, 503 U.S. 467, 489, 112 S. Ct. 1440, 118 L. Ed.2d 108 (1992). "While retaining jurisdiction over the case, the court may determine that it will not order further remedies in areas where the school district is in compliance with the decree." *Freeman*, 503 U.S. at 490-91.

The exercise of a federal district court's discretion to order incremental or partial relinquishment and termination of its supervision must be made in a manner consistent with its equitable powers, and the district court must consider

Whether there has been full and satisfactory compliance with the decree in those aspects of the system where supervision is to be withdrawn; whether retention of judicial control is necessary or practicable to achieve compliance with the decree in other facets of the school system; and whether the school district has demonstrated, to the public and to the parents and students of the once disfavored race, its good faith commitment to the whole of the court's decree and to those provisions of the law and the constitution that were the predicate for judicial intervention in the first instance.

Freeman, 503 U.S. at 491. Stated differently, "[t]he District Court should address itself to whether the Board ha[s] complied in good faith with the desegregation decree since it was entered, and whether the vestiges of past discrimination ha[ve] been eliminated to the extent practicable. *Board of Education of Oklahoma City v. Dowell*, 498 U.S. 237, 249-50, 111 S. Ct. 630, 112 L. Ed.2d 715 (1991).

Moreover, this court's Orders authorize the present motion. Paragraph 19 of the Order found in Record Document No. 876 provides as follows:

With respect to school site administrators, the school district may move the court for a declaration of unitary status when compliance is achieved with applicable legal requirements pertaining to the non-discriminatory assignment of administrative personnel. For purposes of this Order, “school site administrative personnel” means principals and assistant principals.

The court’s Order found in Record Document No. 866 provides that at least 40 percent of school-site administrators shall be black with a goal of approximating the percentage of black school-site administrators with the percentage of black students enrolled in the school system. These requirements have now been achieved. Pursuant to the Order, the hiring procedures “shall terminate at such time as the diversity goals outlined above are met.”

Paragraph 20 of the Order found in Record Document No. 876 requires that the percentage of black teachers be increased “to a level approximating the percentage of black students enrolled in the school system as of the date of court approval of this Order.” “Teacher” is inclusive of counselors. See Paragraph 16 of the Order in Record Document No. 876. The percentage of black students in the school system as of the date of the Order was 47.7 percent.

RELINQUISHMENT OF JUDICIAL SUPERVISION
IS MANDATED WHERE A SCHOOL SYSTEM IS IN COMPLIANCE
WITH THE CONSTITUTION AND ORDERS OF THE COURT

Federal judicial supervision over the facets of the operation of a school system was never intended to “extend beyond the time required to remedy the effects of past intentional discrimination.” *Dowell*, 498 U.S. at 248. Indeed, “[f]rom the very first, federal supervision of local school systems was intended as a temporary measure to remedy past discrimination.” *Id.*, at 247. The end purpose of federal judicial supervision was, and remains, “to remedy the violation and in addition to restore state and local authorities to the control of a school system that is operating in compliance with the Constitution.” *Freeman*, 503 U.S. at 489. It is submitted that this is necessarily the case because the return of “schools to the control of local

authorities at the earliest practicable date is essential to restore their true accountability in our government system.” *Id.*, 503 U.S. at 489; see also, *Dayton Board of Education v. Brinkman*, 433 U.S. 406, 410, 97 S. Ct. 2766, 53 L. Ed.2d 851 (observing that “local autonomy of school districts is a vital national tradition”).

In short, once a school system comes into compliance with the Constitution and the orders of the court there is no longer a basis to support continuing federal judicial supervision. This necessarily follows because “[a] remedy is justifiable only insofar as it advances the ultimate objective of alleviating the initial constitutional violation[,]” and because “judicial powers may be exercised only on the basis of a constitutional violation[.]” *Freeman*, 503 U.S. at 489; *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed.2d 554 (1971).

THE SCHOOL SYSTEM HAS COMPLIED WITH THE COURT’S ORDERS

The school system has made progress since March 2010 to increase the number and percentage of black principals, assistant principals, and counselors.

Black principals:

In March 2010 black principals accounted for 35.1 percent of the principals employed by the school system. Today, 42.4 percent of principals employed by the school system are black. The percentage of white principals has declined from 64.9 percent in March 2010 to 57.6 percent today. Exhibit “A” shows the name, race, and school assignment of principals during School Year 2009-2010. Exhibit “B” shows the name, race, and school assignment of principals for the current school year.

Black assistant principals:

Similarly, the percentage of white assistant principals has declined from 67.9 percent in March 2010 to 54.5 percent today. In March 2010, there were ten black assistant principals. Today, black assistant principals number 14, or 43.7 percent, of the assistant principals in the employ of the school system. Exhibit "C" shows the name, race, and school assignment of assistant principals during School Year 2009-2010. Exhibit "D" contains the same categories of information for assistant principals for the current school year.

In March 2010, four black principals were assigned to racially identifiable white schools. Today, eight black principals are assigned to racially identifiable white or desegregated schools. Four white principals were assigned to racially identifiable black schools as of March 2010. Currently, seven white principals are assigned to racially identifiable black schools.

Black counselors:

In School Year 2009-2010, four of 12 counselors were black. As of the commencement of the current school year, six of the 12 counselors employed by the school system were black. One of the black counselors resigned in January 2013. Exhibit "E" shows the name, race, and school assignment of counselors employed during School Year 2009-2010. Exhibit "F" shows the current name, race and school assignment of counselors employed by the school system.

THE SCHOOL SYSTEM HAS AN INCENTIVE NOT TO REGRESS
UPON A DECLARATION OF UNITARY STATUS

In pertinent part, the court's Order found in Record Document No. 866 provides as follows:

Upon expiration of this policy, the parties and the court Compliance Officer shall conduct a bi-annual review of the percentage of administrators and supervisors employed by the school system in each category to assure that employment gains are maintained to the extent practicable.

The “policy” with respect to principals and assistant principals has now expired based upon the school system’s compliance with the court’s Order. Should either plaintiffs or the Court Compliance Officer have reason to believe the school system is intentionally discriminating against future black applicants seeking principal or assistant principal positions based upon their race, they may seek to re-impose remedial orders.

THE ORDER IN R. DOC. NO. 866 AFFECTING
OTHER ADMINISTRATIVE AND SUPERVISORY POSITIONS REMAINS IN EFFECT

The “policy” in the Order in Record Document No. 866 addressing administrative and supervisory positions other than those of principals and assistant principals will remain in effect upon a declaration of unitary status in the areas of principal and assistant principal hiring and school assignments.

CONCLUSION

The school system is in compliance with Orders of the court (R. Doc. Nos. 866 and 876 at Paragraphs 19 and 20) and is entitled to a declaration of unitary status and relinquishment of judicial supervision. There no longer exists a basis for continuing judicial supervision in the areas of employment and assignment of principals and assistant principals and employment of counselors.

By Attorneys,

s/ Charles L. Patin, Jr.

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s/ Pamela Wescovich Dill

Pamela Wescovich Dill (La. Bar # 31703)

Attorneys for Tangipahoa Parish School Board

CERTIFICATE OF SERVICE

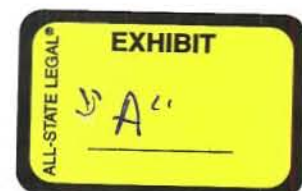
I hereby certify that on March 27th, 2013, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Charles L. Patin, Jr.

Charles L. Patin, Jr.

TPSS Principals 2009-2010 School Year

SCHOOL	NAME	RACE
Amite Elementary	Kay Christmas	White
Amite High	Mike Stant	White
Champ Cooper Elementary	Anthony Sciortino	White
Chesbrough Elementary	Andrew Edwards	White
O.W. Dillon Elementary	Ashley Walker	White
Hammond Eastside Primary Elementary	Glenda O'Banion	White
Hammond Eastside Upper Elementary	Cheryl Rousseau	White
Hammond High	Henry Moore	White
Hammond Jr. High	Jan Williams	Black
Hammond Westside Primary Elementary	Lisa Raiford	White
Hammond Westside Upper Elementary	James Keith	Black
Independence Elementary	Cathy Leblanc	White
Independence High	Cindy Williams	White
Independence Middle	Alexa Hookfin	Black
Kentwood High	Rochelle Bates	Black
Loranger Elementary	Andre Pellerin	White
Loranger High	Billie Theriot	White
Loranger Middle	Catherine Perry	Black
Midway Elementary	Roxanne Patti	White
Natalbany Elementary	Marquitta Jackson	Black
Nesom Middle	Maureen Terese	White
Perrin Early Learning Center	Patricia Foster	White
Ponchatoula High	Daniel Strickland	White
Ponchatoula Jr. High	Gwen Barsley	White
D.C. Reeves Elementary	Mary Stilley	White
Roseland Elementary	Brenda Johson	Black
SLU Lab	Fawn Ukpole	Black
Spring Creek Elementary	Homer Lea	White
Sumner High	Lisa Fussell	White
Sumner Middle	Bobby Matthews	Black
Tucker Elementary	Amber Gardner	White
Vinyard Elementary	Theresa Hamilton	Black
Amite Westside Middle	Melissa Ryan	White
Woodland Park	Wanda Davis	White
Northwood High	Rhea Marrs	White
PM High School	Rosie Jackson	Black
Options III	Marilynn Dunn	Black



TANGIPAHOA PARISH SCHOOL SYSTEM
SCHOOL, ADMINISTRATOR'S NAME, AND RACE
2012-13 SCHOOL YEAR

PRINCIPALS (BLACK-14 WHITE-19)

SCHOOL	NAME	RACE
1. Amite Elementary Magnet	Kay Christmas	White
2. Amite High	Mildred Johnson	Black
3. Champ Cooper Elementary	Anthony Sciortino	White
4. Chesbrough Elementary	Andrew Edwards	White
5. O. W. Dillon Elementary	Lance Harrell	Black
6. Hammond Eastside Elementary Magnet	Maureen Terese	White
7. Hammond High Magnet	Chad Troxclair	White
8. Hammond Jr. High Magnet	Terran Perry	Black
9. Hammond Westside Elementary Montessori	Cathy LeBlanc	White
10. Independence Elementary	Lisa Raiford	White
11. Independence High	Hugh Wallace	Black
12. Independence Middle Magnet	Alexa Hookfin	Black
13. Kentwood High Magnet	Rochell Bates	Black
14. Loranger Elementary	Andre Pellerin	White
15. Loranger High	Rhea Marrs	White
16. Loranger Middle	Catherine Perry	Black
17. Midway Elementary	Glenda O'Banion	White
18. Natalbany Elementary	Marquita Jackson	Black
19. Nesom Middle	James Keith	Black
20. Perrin Early Learning Center	Patricia Foster	White
21. Ponchatoula High	Daniel Strickland	White
22. Ponchatoula Junior High	Bobby Matthews	Black
23. D. C. Reeves Elementary	Reginald Elzy	Black
24. Roseland Elementary Montessori	Roxanne Patti	White
25. SLU Lab	Fawn Ukpolo	Black
26. Spring Creek Elementary	Rod Lea	White
27. Sumner High	Lisa Fussell	White
28. Sumner Middle	Brenda Johnson	Black
29. Tangipahoa Alternative Solutions Program	Marilyn Dunn	Black
30. Tucker Elementary	Amber Gardner	White
31. Vinyard Elementary	Melissa Ryan	White
32. West Side Middle	Ashley Walker	White
33. Woodland Park Elementary Magnet	Cheryl James	White



TPSS Assistant Principals 2009-2010 School Year

SCHOOL	NAME	RACE
Amite Elementary	Dana Topps	Black
Amite High	NONE	
Champ Cooper Elementary	Jamie Mills	Black
Chesbrough Elementary	NONE	
O.W. Dillon Elementary	NONE	
Hammond Eastside Primary Elementary	NONE	
Hammond Eastside Upper Elementary	NONE	
Hammond High	Angela Ferrant	White
	Sharon Spring	White
Hammond Jr. High	NONE	
Hammond Westside Primary Elementary	NONE	
Hammond Westside Upper Elementary	Samantha Robertson	Black
Independence Elementary	NONE	
Independene High	Charlynn Liuzza	White
Independence Middle	Teresa Varnado	Black
Kentwood High	Roslyn Varnado	White
Loranger Elementary	NONE	
Loranger High	Cheryl Santangelo	White
Loranger Middle	NONE	
Midway Elementary	Rhonda Vaccaro	White
Natalbany Elementary	NONE	
Nesom Middle	Greg Hayden	White
Perrin Early Learning Center	Lorrinda Elzy	Black
Ponchatoula High	Dianne Richardson	White
	Chad Troxclair	White
	Terran Perry	Black
	Mary Crovetto	White
Ponchatoula Jr. High	Daria Landry	White
	Glenda Potasnik	White
D.C. Reeves Elementary	Amanda Montalbano	White
	Strader Cieutat	White
Roseland Elementary	Janet Vernon	Black
SLU Lab	NONE	
Spring Creek Elementary	NONE	
Sumner High	Walter Stuckey	White
Sumner Middle	Janet Hammons	White
Tucker Elementary	NONE	
Vinyard Elementary	Kelly Ollar	White
Amite Westside Middle	Reagan English	Black
	Lecil Miller	White
Woodland Park	Carla Tallo	White
Northwood High	Carl Galmon	Black
PM High School	Lillie Johnson	Black



ASSISTANT PRINCIPALS (BLACK-14 WHITE-18)

SCHOOL	NAME	RACE
1. Amite Elementary Magnet	Dana Topps	Black
2. Amite High	Thasia Domiano	White
3. Champ Cooper Elementary	Jamie Mills	Black
4. Champ Cooper Elementary	Joanna Roubique	White
5. O. W. Dillon Elementary	Kelly Ollar	White
6. Hammond Eastside Elementary Magnet	Vickie Auguste	Black
7. Hammond Eastside Elementary Magnet	Darlene Hammer	Black
8. Hammond Eastside Elementary Magnet	Stephen Labbe	White
9. Hammond High Magnet	Angela Ferrant	White
10. Hammond High Magnet	Gary Porter	Black
11. Hammond Westside Elem. Montessori	Carla Tallo	White
12. Independence High	Cheryl Santangelo	White
13. Independence High	Frances Wells	Black
14. Kentwood High Magnet	Roslyn Varnado	White
15. Loranger High	Torrence Joseph	Black
16. Loranger High	Charlynn Liuzza	White
17. Midway Elementary	Janet Vernon	Black
18. Ponchatoula High	Mary Crovetto	White
19. Ponchatoula High	Dianne Richardson	White
20. Ponchatoula High	Byron Hurst	Black
21. Ponchatoula Junior High	Angele Johnson	White
22. Ponchatoula Junior High	VACANCY	
23. D. C. Reeves Elementary	Strader Cieutat	White
24. D. C. Reeves Elementary	Amanda Montalbano	White
25. Perrin Early Learning Center	Lorinda Elzy	Black
26. Roseland Elementary Montessori	Rhonda Vaccaro	White
27. Sumner High	Walter Stuckey	White
28. Sumner Middle	Janet Hammons	White
29. Tucker Elementary	Tryphaena Lewis	Black
30. Vinyard Elementary	Phyllis McCraney	Black
31. West Side Middle	Lecil Miller	White
32. West Side Middle	Reagan English	Black
33. Woodland Park Elementary Magnet	Larobyn Houston	Black



COUNSELORS 2009-2010 SCHOOL YEAR

NAME	LOCATION	RACE
KATHERINE MEADORS	AMITE HIGH	WHITE
LORETTA MCGEE	HAMMOND HIGH	BLACK
MIYA NELSON	HAMMOND HIGH	BLACK
KATHY HUTCHINSON	HAMMOND HIGH	WHITE
LAURA WOODS	INDEPENDENCE HIGH	WHITE
BARBARA ENGLISH	KENTWOOD HIGH	BLACK
GLENDA JONES	LORANGER HIGH	WHITE
GWEN BANKSTON	PONCHATOULA HGIH	BLACK
MARIE CALDORERA	PONCHATOULA HGIH	WHITE
DENISE LATOUR	PONCHATOULA HGIH	WHITE
ORLISA DEPHILLIPS	PONCHATOULA HGIH	WHITE
TERRI BRIGNAC	SUMNER HIGH	WHITE



Last Name	First Name	Location Description
EVANS	LORRETTA	HAMMOND HIGH MAGNET SCHOOL
ENGLISH	BARBARA	KENTWOOD HIGH MAGNET SCHOOL
IMES	MARQUITA	LORANGER HIGH
NELSON	MIYA	HAMMOND HIGH MAGNET SCHOOL
KELLY	ERICA	INDEPENDENCE HIGH
BANKSTON	GWEN	AMITE HIGH SCHOOL
CALDORERA	MARIE	PONCH HIGH
LATOUR	DENISE	PONCH HIGH
DEPHILLIPS	ORLISA	PONCH HIGH
MEADORS	KATHARINE	PONCH HIGH
BRIGNAC	TERRI	SUMNER HIGH
BROUSSARD	ALICE	HAMMOND HIGH MAGNET SCHOOL



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**NOTICE OF SUBMISSION ON MOTION FOR UNITARY STATUS IN THE AREAS
OF EMPLOYMENT AND ASSIGNMENT OF PRINCIPALS, ASSISTANT PRINCIPALS
AND THE EMPLOYMENT OF COUNSELORS**

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JAMES A. GRAY, II, ESQ.
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New Orleans, LA 70112

PLEASE TAKE NOTICE that Defendant Tangipahoa Parish School Board will bring on its Motion for Unitary Status in the Areas of Employment and Assignment of Principals and Assistant Principals and Employment of Counselors on May 15, 2013, at 9:00 o'clock a.m., or as soon thereafter as the matter can be heard, in the federal courthouse, located at 500 Poydras Street, New Orleans, Louisiana, before Honorable Ivan L. R. Lemelle, Judge.

Baton Rouge, Louisiana, this 27th day of March, 2013.

By Attorneys,

s/ Charles L. Patin, Jr.
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s/ Robert L. Hammonds
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s/ Pamela Wescovich Dill
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Attorneys for Tangipahoa Parish School Board

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2013, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Charles L. Patin, Jr.
Charles L. Patin, Jr.

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Defendant

JUDGE: IVAN L. R. LEMELLE

ORDER

Considering the foregoing Motion for Unitary Status in the Areas of Employment and Assignment of Principals and Assistant Principals;

IT IS ORDERED Defendant Tangipahoa Parish School Board is hereby declared unitary in the areas of principal, assistant principal, and counselor hiring as in compliance with the court's Order pertaining to such hiring as set forth in Record Document No. 866.

IT IS FURTHER ORDERED Defendant Tangipahoa Parish School Board is hereby declared unitary in the area of non-discriminatory assignments of principals and assistant principals and in compliance with Paragraph 19 of the court's Order in Record Document No. 876.

IT IS FURTHER ORDERED that the court's supervision in the above areas is hereby relinquished.

New Orleans, Louisiana, this ____ day of _____, 2013.

IVAN L. R. LEMELLE, JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA