

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

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| MARILYN MARIE MONTEILH, ET AL., Plaintiffs, |))) | |
| UNITED STATES OF AMERICA, Plaintiff-Intervenor, |))) | CIVIL ACTION NO: 6:65-CV-10912 |
| vs. |))) | HON. TUCKER L. MELANÇON |
| ST. LANDRY PARISH SCHOOL BOARD, ET AL., Defendants. |))))) | |

**ORDER PRELIMINARILY APPROVING SETTLEMENT
PURSUANT TO FED. R. CIV. P. 23(e)
AND REQUIRING NOTICE TO THE PLAINTIFF CLASS**

The parties have jointly moved for preliminary approval by this Court of their proposed Settlement Agreement that would terminate this forty-five-year-old school desegregation action. The Settlement Agreement and supporting materials have been submitted to the Court along with the Joint Motion.

The Court is of the opinion that the settlement embodied in the materials filed with the Joint Motion should be, and is hereby preliminarily approved, subject to consideration of any objections that may be made by members of the plaintiff class.


Pursuant to the provisions of FED. R. CIV. P. 23(e), notice of the proposed settlement and dismissal of this action, in accordance with the Settlement Agreement submitted with the Joint Motion, shall be given to the members of the plaintiff class as provided in the Notice of Proposed Settlement, Dismissal, and Fairness Hearing attached hereto, which shall be published as follows: at least two times in the legal notices sections

of the Opelousas *Daily World* and of the Eunice *News*, preferably on Sunday, March 6, 2011 and Sunday, March 13, 2011. Additionally, the Notice (as well as the Settlement Agreement and the form for submitting comments and notifying the Court of an individual's intention to speak at the Fairness Hearing) shall be posted on the website of the St. Landry Parish School District. Finally, the School District shall distribute a copy of the Notice to each student in the school system who is in attendance on a regular school day between March 7 and March 11, with instructions to the students to deliver the copy to their parents or legal guardians.

The Court will conduct a Fairness Hearing for the purpose of considering any comments upon or objections to the proposed settlement by members of the plaintiff class, if there are any such objections, comments or requests to appear at a hearing that have been timely filed with the Court. The hearing shall be held in the United States Courthouse, 800 Lafayette Street, Suite 2100, Lafayette, Louisiana commencing at 10:00 a.m. in Courtroom 3., on **Thursday, March 24, 2011.**

Signed March 2, 2011.

TUCKER


L. MELANÇON
United States District Judge

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| vs. |) | HON. TUCKER L. MELANÇON |
| |) | |
| ST. LANDRY PARISH SCHOOL |) | |
| BOARD, ET AL., |) | |
| Defendants. |) | |
| | | |

**NOTICE OF PROPOSED SETTLEMENT,
DISMISSAL OF ACTION, AND FAIRNESS HEARING**

**TO: ALL AFRICAN-AMERICAN STUDENTS ENROLLED IN OR
ELIGIBLE TO ATTEND THE PUBLIC SCHOOLS OF ST.
LANDRY PARISH, LOUISIANA, AND THE PARENTS AND
LEGAL GUARDIANS OF AFRICAN-AMERICAN STUDENTS
ENROLLED IN OR ELIGIBLE TO ATTEND THE PUBLIC
SCHOOLS OF ST. LANDRY PARISH, LOUISIANA (MEMBERS
OF THE CLASS ON WHOSE BEHALF THIS LAWSUIT WAS
BROUGHT)**

The plaintiffs in this suit, who represent the class of all African-American students eligible to attend and enroll in the public schools of St. Landry Parish, Louisiana and their parents and legal guardians, the United States of America, which intervened in this lawsuit as a plaintiff, and the defendants, the St. Landry Parish School Board and the Superintendent of Schools of St. Landry Parish, have filed a Joint Motion with this Court that may affect your interests. In this Joint Motion, the parties ask the Court to approve the settlement and dismissal of the case in accordance with the terms of a Settlement

Agreement executed by the parties. The Court has not yet made a decision as to whether the Joint Motion should be granted.

This suit was originally filed in 1965 by Marilyn Marie Monteilh and others, alleging that the public schools of St. Landry Parish were unlawfully segregated. On May 12, 1965, the United States District Court permanently enjoined the defendants from assigning pupils to the public schools of St. Landry Parish solely because of race, and required the submission to the Court of a plan to desegregate to commence with the Fall 1965 school term. After various judicial proceedings (in both the District Court and the United States Court of Appeals for the Fifth Circuit), by Order entered March 19, 2004 the District Court approved numerous unopposed modifications of the previously operative Consent Decree covering all phases of school district operation.

On September 28, 2005, the District Court entered its Order granting partial unitary status (terminating its active supervision) with respect to the area of Extra-Curricular Activities. On December 15, 2005, the District Court entered its Order granting partial unitary status as to Faculty Assignment and Transportation, and on August 5, 2009, the District Court entered its Order granting partial unitary status as to Staff Assignment.

Previously, on December 19, 2008, the parties had submitted a Joint Motion requesting approval of a reorganization plan modifying student assignments in the school system, which was approved by the District Court by Order on the same date. This December 19, 2008 Order required the Board, inter alia, to close schools, restructure grades, modify attendance zones, and upgrade facilities consistent with its desegregation

obligations. Beginning with the 2009-2010 school year, the Board has operated the St. Landry Parish public schools consistent with the terms of the December 19, 2008 Order.

During the 2009-10 school year the Board developed (and began to implement in the 2010-2011 school year) a plan to provide students at Opelousas High School with high-quality educational opportunities, and to increase desegregation at the school through voluntary enrollment, by creating a Magnet Academy of Biomedical Sciences at Opelousas High School, to be phased in over a period of years starting with the ninth grade.

Following these developments, in the spring of 2010 the District Court requested that counsel for all parties attempt to agree on what remaining steps would be necessary for the School District to attain full unitary status so that the case could be dismissed. The Settlement Agreement that has now been submitted to the District Court grew out of extensive consultations among the parties. Under that Agreement, if approved by the Court, this lawsuit will be dismissed and all prior Orders of the Court in this case will be withdrawn, subject only to the parties' right, if necessary, to seek enforcement of the provisions of the Settlement Agreement.

The Settlement Agreement will remain in effect for a period of five school years (commencing with the 2011-12 school year) to allow completion of the School District's program of replacing portable buildings and successful implementation of the Magnet Academy of Biomedical Sciences at Opelousas High School. During that time, the Agreement provides that the School District shall continue current policies and practices important to the achievement of full unitary status, including the following: (1) attendance zones shall not be modified, or additional enrollment choice opportunities

made available, in a manner that results in resegregation; (2) the School District shall continue to verify student addresses and enforce its attendance zones; (3) the School District will continue to make affirmative efforts through recruitment and outreach to encourage qualified minority applicants to seek employment with the school system, and will continue to use biracial interview committees; (4) the School District will continue to encourage desegregated student participation in the gifted and talented program; (5) the School District will continue to offer majority-to-minority transfers and to provide transportation to students electing to make such transfers; and (6) the School District shall continue to operate the Magnet Academy for Cultural Arts and the St. Landry Alternative Transition School (SLATS).

The complete Settlement Agreement among the parties is attached to their Joint Motion seeking approval of the Agreement, and is available for inspection at the School District's central office, 1013 E. Creswell Lane, Opelousas, Louisiana. It is also posted on the School District's website, <http://www.slp.k12.la.us>. This Notice and the Joint Motion have also been filed with the United States District Court in Lafayette, Louisiana.

The parties believe that the record in this case, including the documents attached to their Joint Motion, establish sufficient evidentiary support for the District Court to find that the actions taken by the defendants in this case, to date, together with the commitments contained in the parties' Settlement Agreement, provide an appropriate basis for the School District's achievement of full unitary status. Therefore, the parties have agreed and recommended to the District Court that the Settlement Agreement be approved and the desegregation case dismissed.

Interested persons may submit written comments upon, or objections to, the proposed settlement and dismissal of the case. They may also indicate that they wish to speak at a Fairness Hearing on the proposed settlement that will be conducted by the Court on March 24, 2011, beginning at 10:00 a.m., in the United States Courthouse, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501, Courtroom 3, before the Honorable Tucker L. Melançon, United States District Judge. (Only persons who indicate in advance their intention to appear and participate in the Fairness Hearing will be heard.)

ALL INTERESTED PERSONS PLEASE NOTE THE FOLLOWING:

1. Interested persons who wish to speak at the hearing should be present in Courtroom 3 of the United States Courthouse in Lafayette, LA at 10:00 a.m. on March 24, 2011.
2. Each speaker will be limited to not more than five (5) minutes.
3. Interested persons who wish to speak at the hearing will not be questioned or cross-examined by the lawyers for any of the parties. The Court may decide to question a speaker.
4. Interested persons who wish to speak at the hearing must submit a written statement concerning the Settlement Agreement or the matter of unitary status and dismissal of the lawsuit.
5. Copies of a form for the purpose of submitting a written statement, whether or not the individual submitting the statement intends to speak at the hearing are available on the School District's website at <http://www.slp.k12.la.us>, and at the central offices of the School District, 1013 E. Creswell Lane, Opelousas, Louisiana.

ALL FORMS CONTAINING WRITTEN STATEMENTS AND NOTIFYING THE COURT OF A PERSON'S INTENTION TO SPEAK AT THE HEARING MUST BE MAILED TO THE CLERK OF THE COURT AND MUST BEAR A POSTMARK DATED NO LATER THAN March 17, 2011, at the address provided below.

All written statements submitted will be considered by the Court regardless of whether or not the person making the statement speaks at the hearing.

6. **PLEASE DO NOT CONTACT THE JUDGE, THE COURT, OR
THE CLERK OF THE COURT.**

7. The address of the Clerk of the Court (to mail forms) is as follows:

Clerk of the Court:

Clerk of Court
United States District Court
800 Lafayette Street, Suite 2100
Lafayette, LA 70501