

## IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF LOUISIANA

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
FILED

MONROE DIVISION

IRMA J. SMITH, et al.,

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Plaintiff,

\*\*

UNITED STATES OF AMERICA,

\*\*

Plaintiff-Intervenor,

\*\*

v.

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CONCORDIA PARISH SCHOOL BOARD,

\*\*

et al.,

\*\*

Defendants

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CIVIL ACTION

NO. 11,577

ORDER

This cause came on for hearing on January 21, 1970, on the motion of this Court. The record before this Court contains two school desegregation plans, one plan submitted by the Office of Education, United States Department of Health, Education and Welfare (HEW) and the other plan submitted by the Concordia Parish School Board. The plan submitted by HEW calls for the zoning of the schools in the outlying areas and for the pairing of the schools in the towns of Vidalia and Ferriday. Similarly, the School Board's plan provides attendance zones for the rural schools, but in the towns of Vidalia and Ferriday assigns students on the basis of sex. Both plans promise to achieve a unitary system in Concordia Parish. However, the Court is reluctant to permit the use of a plan calling for the separation of students on the basis of sex, except upon a finding based on proof that the plan was devised and is to be promulgated for educational purposes as distinguished from racially discriminatory purposes. Stated differently, is racial discrimination the motivation for the plan or does it have its basis in educational purposes. United States v. Amite County School District, 5 Cir., 1969 \_\_\_\_ F. 2d \_\_\_\_, (Nos. 28,030 and 28,042, slip opinion dated December 10, 1969). Such a finding can best be determined after an evidentiary hearing on this matter, to be held prior to the commencement of school in September, 1970, on the motion of any party.

However, in the interim, the Court will permit the use of the plan of student desegregation proposed by the Concordia Parish School Board for the balance of the current school term. The authority is not however, to be construed as precedent. Whether such a plan may be used in the 1970-71 school term, if desired, will depend upon the findings of this Court.

Accordingly, IT IS THEREFORE ORDERED that the Concordia Parish School Board, their officers, agents, employees and all persons in active concert or participation with them be, and they are, hereby ORDERED to announce and implement, effective February 1, 1970, the plan of student desegregation devised by the School Board and attached hereto as Appendix A.

IT IS FURTHER ORDERED that in accordance with the decision of the United States Court of Appeals for the Fifth Circuit in Singleton v. Jackson Municipal Separate School System (and consolidated cases en banc), \_\_\_\_ F. 2d \_\_\_\_ (No. 26285, December 1, 1969, the parties defendant are ordered to implement and adhere to the following provisions:

DESEGREGATION OF FACULTY AND OTHER STAFF

The school board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be



hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any re-assignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

#### MAJORITY TO MINORITY TRANSFER POLICY

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school, where space is available and where his race is in the minority.

#### TRANSPORTATION

The transportation system, in those school districts having transportation systems, shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

#### SCHOOL CONSTRUCTION AND SITE SELECTION

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

#### ATTENDANCE OUTSIDE SYSTEM OF RESIDENCE

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

This Court shall retain jurisdiction of this matter to insure full implementation of this Decree.

THUS DONE and SIGNED this 30<sup>th</sup> day of  
January, 1970.

Ben S. Dawkins  
UNITED STATES DISTRICT JUDGE