

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT L. ADAMS, JR. et al.	§	
	§	
Plaintiffs,	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Plaintiff-Intervenor,	§	Civil Action No. 6:04-cv-00291-LED
	§	
CHARLES F. MATHEWS, et al.,	§	
	§	
Defendants.	§	

**DEFENDANT LONGVIEW INDEPENDENT SCHOOL DISTRICT'S
MOTION TO EXPEDITE CONSIDERATION OF MOTION TO
MODIFY FINAL CONSENT DECREE**

On April 11, 2017, Longview Independent School District (“LISD” or the “District”) submitted an application for a grant of up to fifteen million dollars from the United States Department of Education’s Magnet Schools Assistance program. The District’s grant application will be rejected absent an Order from this Court approving LISD’s proposed magnet-program expansion plan, as summarized herein, on or before **May 18, 2017**. The District therefore requests expedited review of the following Motion to Modify Final Consent Decree.

The Motion was submitted to the Department of Justice for consideration on April 12, 2017. The parties have been engaged in cooperative discussions which are ongoing. The Department of Justice needs additional time to review the Motion and the relief requested. Longview ISD is hopeful to have the Department of Justice’s decision within sufficient time for the Court’s review and ruling prior to May 18, 2017.

DEFENDANT LONGVIEW INDEPENDENT SCHOOL DISTRICT'S
MOTION TO MODIFY FINAL CONSENT DECREE

In order to further the integration of its schools, enhance opportunities for student growth and achievement, and encourage families that have opted for private or home school settings to return to the District's schools, LISD seeks to expand its magnet school offerings and create charter campuses in accordance with Texas Education Code, Ch. 12, Subchapter C.¹ To that end, the District is applying for a federal Magnet Schools Assistance Program grant. The District continues to comply with all provisions of the Final Consent Decree,² but requests modification to the extent the creation or expansion of the proposed magnet programs or charter campuses affects the requirement within the Decree that students must attend schools located in their geographical school zones, subject to certain transfer exceptions.³ For the reasons provided below, the District requests that the Court approve the District's plan to create two new magnet school campuses, expand a magnet program currently in existence, and convert two of its campuses into magnet schools, dependent upon the Department of Education's approval of its grant application. Although not a part of the federal grant application, the District also seeks approval of proposed attendance zone deviations for four in-district charter campuses, two offering Montessori instruction and the other two focused on science, technology, engineering, art, and math ("STEAM") programming. All proposed program offerings will be school-wide as opposed to school-within-a-school programs. The proposed program changes are as

¹ Texas Education Code, Chapter 12 provides for charter districts, campuses, and open enrollment charter schools in order to increase the choice of learning opportunities and encourage innovative learning methods within the public school system while ensuring fiscal and academic accountability.

² Final Consent Decree, December 22, 2014, ECF No. 81.

³ *Id.* at ¶4.a. (excepting intra-district transfers to Hudson PEP and allowing African American students to transfer from Ned. E. Williams to Johnston-McQueen or white transfers from Johnston-McQueen to South Ward, Ware, or Ned. E. Williams or as otherwise provided for in the Decree).

follows:

SCHOOL	PROGRAM	GRADES	DESIGNATION
East Texas Montessori Prep Academy	Montessori early education program.	PK-K	Charter/Magnet
East Texas Montessori Academy	Montessori elementary program.	1-5	Charter/Magnet
Ned E. Williams Elementary	STEAM programming.	1-5	Magnet
Bramlette Elementary (to be renamed "Longview Elementary STEAM Academy")	STEAM programming.	1-5	Charter
Judson Middle School (to be renamed "Longview Middle School STEAM Academy")	STEAM programming.	6-8	Charter
Forest Park Middle School	Expanded International Baccalaureate	6-8	Magnet
Longview High School	Expanded IB, Early College, AP/Dual Credit	9-12	Magnet

The District intends to move forward with the proposed charter school programming even if the MSAP grant funding is not approved and accordingly seeks approval of any attendance zone deviations resulting therefrom. Should the District not be successful in securing the federal MSAP grant, it will not pursue the program at Ned E. Williams and will be slowed in its ability to implement the proposed programmatic changes in the remaining schools.

I.
A BRIEF HISTORY OF LISD'S
MAGNET PROGRAMS

Nearly half a century has passed since this Court ordered the District to integrate its

faculty, staff, and students.⁴ During this period, under the supervision of this Court, the District has taken a variety of measures calculated to rid vestiges of past discrimination, “root and branch.”⁵ These measures, some of which remain in place today, have included cross-town busing,⁶ rezoning,⁷ intradistrict transfer restrictions,⁸ interdistrict transfer restrictions,⁹ reporting requirements,¹⁰ a Black-to-White ratio requirement,¹¹ the construction of new schools,¹² the closure of old schools,¹³ and extensive campus renovations.¹⁴

One of the most promising initiatives aimed at fostering racial diversity in LISD schools has been the District’s use of magnet and other specialized education programs. In 2004, with this Court’s consent,¹⁵ the District instituted magnet programs at Hudson PEP Elementary School and Forest Park Middle School. The District’s magnet program at Hudson PEP Elementary School has been a marked success. Hudson PEP receives more applications for students wishing to participate in the magnet program than its campus can accommodate, revealing a demand for more rigorous and specialized programming.

⁴ Order, Jan. 20, 1970, a true and correct copy of which is attached as Exhibit A. Later that year, the Court reapproved the Order entered on January 20, 1970. *See* Order Reapproving the Plan of Desegregation of January 6, 1970, of LISD, Aug. 27, 1970, a true and correct copy of which is attached as Exhibit B.

⁵ *Green v. Cnty. Sch. Bd. of New Kent Cnty.*, 391 U.S. 430, 437–38 (1968).

⁶ *See* LISD’s Plan of Desegregation of Jan. 6, 1970, ¶¶ 4, 8, a true and correct copy of which is attached as Exhibit C.

⁷ *See id.* ¶¶ 1–4; Consent Order, Aug. 4, 2008, ECF No. 20; Consent Order, Jan. 24, 2011, ECF No. 42.

⁸ *See* Ex. C, ¶ 7; Consent Order at 7–8, Aug. 4, 2008, ECF No. 20; Consent Order, Jan. 24, 2011, ECF No. 42.

⁹ *See* Ex. C, ¶ 10; Consent Order, Aug. 4, 2008, ECF No. 20.

¹⁰ *See* Consent Order, Aug. 4, 2008, ECF No. 20; Order, Jan. 26, 2010, ECF No. 31; Docket Order, July 7, 2010; Docket Order, Jan. 19, 2011; Consent Order, Jan. 24, 2011, ECF No. 42.

¹¹ *See* Ex. C, ¶ 6, *amended by*, Order on Joint Motion to Amend Desegregation Order, July 15, 2004, ECF No. 4.

¹² *See* Consent Order, Aug. 4, 2008, ECF No. 20.

¹³ *See* Ex. C, ¶ 5; Consent Order, Aug. 4, 2008, ECF No. 20; Consent Order, Jan. 24, 2011, ECF No. 42.

¹⁴ *See* Consent Order, Aug. 4, 2008, ECF No. 20.

¹⁵ *See* Order on Joint Motion to Amend Desegregation Order, July 15, 2004, ECF No. 4.

Students who are wait-listed for Hudson PEP instead attend the school to which they are geographically zoned. As a result, the racial composition of certain schools still reflects the racial composition of the insular communities in which they are located.

The District sought to expand its magnet offerings by obtaining a federal grant in 2013. The Court granted the District's motion to modify the desegregation order to implement the new magnet programs, conditioned upon the District receiving the federal grant funding.¹⁶ Unfortunately, the District was unsuccessful in securing the grant and, as a result, was unable to expand its magnet offerings at that time.

On December 22, 2014, this Court approved a Final Consent Decree addressing student assignments, faculty assignments, and annual reporting requirements.¹⁷ The terms and conditions of the Final Consent Decree recognized, and were designed to perpetuate, the success of the Hudson PEP magnet by requiring the District to continue its application and assessment procedures related to admission. The Decree also requires the District to continue promoting the Hudson PEP program and the availability of majority-to-minority transfer opportunities.¹⁸

In recent years, as part of the District's continuing effort to promote diversity and success within its schools, the LISD Board of Trustees conducted a series of town hall meetings throughout the community, engaged in numerous strategic planning workshops, and gathered stakeholder feedback, including surveying the students, in order to explore additional ways to increase student achievement and integration. Those activities and the input received revealed a strong community desire to build upon the District's current

¹⁶ Order Granting Motion to Modify Desegregation Order, May 14, 2013, ECF No. 57.

¹⁷ Final Consent Decree, December 22, 2014, ECF No. 81.

¹⁸ *See Id.* at pp. 1-3.

successful magnet program by focusing on four key areas, each designed to be responsive to the needs of the District and reflective of its continued commitment to diversity. Specifically, the District, its stakeholders, and the community seek to enrich and extend Montessori programming; implement science, technology, engineering, art, and math (STEAM) programs; further develop International Baccalaureate programs; and expand post-secondary readiness through enhanced early college high school, dual credit and advanced placement programs.

II. **LISD’S MAGNET SCHOOLS ASSISTANCE PROGRAM GRANT APPLICATION**

To implement this robust magnet plan, the District is pursuing a federal grant. Administered by the United States Department of Education, the Magnet Schools Assistance program (“MSAP”) provides discretionary grants to school districts that operate under court-ordered desegregation plans.¹⁹ School districts use the proceeds of grant awards to establish and operate magnet schools that “assist in the desegregation of public schools by supporting the elimination, reduction, and prevention of minority group isolation in [racially identifiable schools].”²⁰ To achieve this goal, magnet programs focus on developing innovative teaching methods that promote diversity, increase choices in public education, and provide challenging academic content.²¹ In deciding which

¹⁹ U.S. DEP’T OF EDUC., MAGNET SCHOOLS ASSISTANCE, PROGRAM DESCRIPTION, <http://www2.ed.gov/programs/magnet/index.html> (last visited Mar. 28, 2017).

²⁰ *Id.*

²¹ “In the universe of narrow tailoring, magnet schools have been recognized by courts time and again as an effective and unobtrusive means for school districts to remedy vestigial effects of past segregation.” *Cavalier ex rel. Cavalier v. Caddo Parish Sch. Bd.*, 403 F.3d 246, 270 (5th Cir. 2005). Echoing this sentiment, Congress established the Magnet Schools Assistance Program. Elementary and Secondary Education Act, Pub. L. 89-10, 79 Stat. 27, enacted Apr. 11, 1965, codified as amended at 20 U.S.C. §§ 7231–7231j (2006); *see also id.* § 7231(a)(1) (“Magnet schools are a significant part of the Nation’s effort to achieve voluntary desegregation in our Nation’s schools.”).

curriculum theme to implement at each of the magnet campuses identified below, the District relied upon input from interested stakeholders including faculty, staff, parents, and students.

The District anticipates receiving notice of the acceptance or rejection of its grant application by September 30, 2017. In the event that its application is granted, the District would receive between seven hundred thousand to three million dollars annually for five years. Upon receiving the first round of grant funding, LISD would begin purchasing materials and supplies for the new programs, would direct a portion of the award toward training the faculty and staff of the new magnet programs, and would begin an advertising campaign. Dependent on the program, the student application timeline would be phased in over the 2017-18 and 2018-19 school years.

III. **LISD'S PROGRAM EXPANSION PLAN**

The District intends to use the MSAP grant funding to expand its magnet program in numerous ways. The funds would help establish two new Montessori magnet campuses, one serving prekindergarten-kindergarten ("PK-K") students, and the other serving first through fifth grade.²² Additionally, grant funding would be directed towards revitalizing a magnet program at one middle school²³ and establishing new magnet programs at one elementary school and at the high school.

In hopes of capturing additional funding from the Texas Education Agency, the

²² LISD has seven elementary schools. Hudson PEP Elementary School is presently the only magnet school for students in grades K-5.

²³ LISD has three middle schools. Under the District's proposed expansion plan, LISD would establish a STEAM program at Judson Middle School and enhance the magnet program at Forest Park, which was approved in 2004.

District has sought and received charter status and Charter Start Up grant funds for four campuses.²⁴ Two of the charter campuses will house the Montessori magnet program and the other two are designed to provide STEAM programming.²⁵ An added benefit of the charter campus designation is freedom from certain state requirements, such as mandatory daily instruction times.²⁶ This flexibility will allow for scheduling that supports increased professional development opportunities, as well as comprehensive implementation and alignment of state curriculum standards with the magnet programming. The flexibilities enjoyed by the charter campuses are independent of, and do not negatively impact, the District's diversity goals.

All of the existing schools affected by the magnet and campus charter expansion plan have minority student populations of greater than 50%.²⁷ Of the District's seven elementary schools, the demographics of the two elementary schools directly subject to the expansion plan, Bramlette and Ned E. Williams, reflect the highest African American population at 46.4% and 47.5% respectively. Combined with the Hispanic population, the minority rate for each school is 81.9% and 87.2%.

Although LISD has experienced "white flight" in the past, with a considerable number of white students having left the District to attend private schools, other school districts, or participate in home-schooling, the number of out-of-District transfer students

²⁴ Specifically, the charter campuses are East Texas Montessori Academy, East Texas Montessori Prep Academy, Longview Elementary STEAM Academy (formerly Bramlette Elementary), and Longview Middle School STEAM Academy (formerly Judson Middle School).

²⁵ The STEAM Academies will not be magnet programs and are not part of the MSAP grant application.

²⁶ *See, e.g.*, Tex. Educ. Code §25.082

²⁷ For a detailed breakdown of the racial composition of schools within the District, please see the District's 2016-17 Enrollment Data as of March 1, 2017 at Exhibit A.

seeking to enroll in innovative LISD offerings, such as the high school's IB or Career and Technology program, is promising. In the 2016-2017 school year, the District accepted 645 interdistrict transfers, of which 49% are white, 25% percent are African American, and 15% are Hispanic. The District believes that locating innovative new programs at elementary schools with high percentages of African American students will continue to attract more white interdistrict transfer students to LISD, thereby reversing the effects of white flight. The District also anticipates that the new programming and marketing efforts (explained below), will, in turn, lead to an increase in intradistrict transfer requests and thus greater racial diversity.

To the extent any of the proposed programs reach capacity because of facility limitations, the District would implement a lottery system that would include race as a factor. The details of the lottery have yet to be determined as it is not anticipated that capacity will be an issue in the foreseeable future for these programs. The District understands that the Department of Justice will want to review the details of any proposed lottery process and reserves the right to object should any concerns under the Final Consent Decree be identified.

A. Establish the East Texas Montessori Academy and the East Texas Montessori Prep Academy

The District's most ambitious program expansion is in response to the community's call for enlargement of the current Montessori program. The Montessori Pre-Kindergarten and Kindergarten school started in 2002 in a single setting serving approximately 400 students. The program proved beneficial to students from inception, and the concept has become integral to LISD's mission. The District expanded the Montessori program 6 years

ago, based partly on parent demand and partly on Texas Primary Reading Index (TPRI) data which showed students scored the same or better as students served in a traditional program, and partly on parent demand.

The Montessori program was incorporated into to all of the LISD elementary campuses serving PK-K students, with the exception of Johnston-McQueen, where parents were satisfied with the traditional program and did not demand a Montessori environment.²⁸ As the program expanded, so, too, did the challenges the District faced in honoring the fidelity of the Montessori instructional program when incorporating the model into existing campus structures. Given the District's experience that students who receive Montessori instruction fare better socially and academically than students attending a traditional program, and given the positive impact the program has had on increasing the number of gifted and talented applicants from traditionally underrepresented populations, the District sought an avenue to continue this valuable program in a manner that addressed the challenges it was facing.²⁹ The District and its stakeholders determined that a PK-K Montessori program housed in a single location and expansion of Montessori instruction to include first through fifth grades in another single location was an ideal and viable solution.

In anticipation of this expansion, the District sought and obtained campus charter status for the East Texas Montessori Prep Academy (ETMPA), which will serve all PK-K

²⁸ Hudson PEP does not serve PreK-K students and, as a result, does not have a Montessori program.

²⁹ Students in the Montessori program have shown increases in entry to Hudson PEP with higher test scores, which has helped better racially balance PEP. In the past, students from Johnston-McQueen filled the majority of spots at Hudson PEP, but this trend has been changing. Last year, each elementary campus qualified roughly the same percentage of students at Hudson PEP. The District attributes the shift in home campus representation at Hudson PEP largely to the Montessori program and the achievement gaps it has closed for low socio-economic students.

students at a new early childhood campus³⁰, and the East Texas Montessori Academy (ETMA), which will serve first-fifth graders at an existing facility. In addition to providing access to Texas Education Agency Charter School Start Up grant funds that will be used for materials and staff development, designation as a charter campus also allows each campus flexibility and autonomy to fully embrace the Montessori model while simultaneously promoting diversity.

ETMPA is slated to begin holding classes in the 2017-2018 school year. The projected enrollment is 1025 students, although the capacity is 1,400. ETMPA will be a campus charter school with no defined attendance boundaries. Enrollment will be open to students residing both within and outside of LISD's geographical attendance zones whose parents choose to voluntarily enroll them.³¹ The ETMPA transfer policy has not been finalized and approved by the Board, but it will be drafted in a manner that promotes integration and diversity.

A traditional kindergarten program will continue to be offered at Johnston-McQueen Elementary, which was identified as the school best suited to house the traditional program for a number of reasons. Most importantly, Johnston-McQueen's traditional program is well-established and is the highest performing in the District. Existing families zoned to Johnston-McQueen are content with the program, while demand for Montessori is present in all other elementary schools with the exception of Hudson PEP. The other reasons are simply a matter of size and location.³² Johnston-McQueen's capacity and layout are such that it is well-structured to house the traditional program.

³⁰ ETMPA will be located in Eastman Road (the address is to be determined as it is under construction).

³¹ Interdistrict transfer students must meet Headstart eligibility requirements in order to be eligible for transfer.

³² See Exhibit B for a map of the District.

All students zoned to Johnston-McQueen will automatically be admitted to the traditional kindergarten program, but may apply for ETMPA.³³ Should enrollment exceed allowable enrollment caps at ETMPA, interdistrict transfer and Johnston-McQueen students will be selected in accordance with a weighted lottery that factors in racial balance. Students not selected will be placed on a waiting list. If demand exceeds capacity at Johnston-McQueen, spaces will be filled in accordance with the District's FDB (LOCAL) policy which incorporates the majority/minority transfer obligations contained in the Final Consent Decree.

Through consolidation of the PK-K classes, the current elementary schools, Johnston-McQueen excepted, will be reconfigured to serve first through fifth grade students only, freeing up classroom space in the case of Ned E. Williams and Bramlette Elementary Schools to offer STEAM programming (see below for a detailed discussion of these programs). Providing one campus for all PK-K students will alleviate any disparities in staffing and will promote racial balance for the early childhood program. Although the District does not yet have enrollment numbers for next year, if ETMPA enrollment were based on the current year's PreK-K population, students from Ned E. Williams, Ware, and South Ward would experience an increased white student population as a result of consolidation into one

³³ While the Final Consent Decree allows automatic transfers of Johnston-McQueen students to Ned E. Williams, no families have exercised this option. However, there has been recent interest expressed by Johnston-McQueen families in transferring to the ETMPA. While there is no available data on the number of transfer students anticipated to attend ETMPA from Johnston-McQueen, the anecdotal evidence is promising and indicates that white students from Johnston-McQueen will be more likely to transfer to a centrally located consolidated Montessori center than they were to exercise the transfer option promoted by the Final Consent Decree.

program.³⁴ Transportation for students enrolled in the ETMPA will be provided with students picked up at their homes.

The East Texas Montessori Academy (ETMA) is a natural extension of the ETMPA, making Montessori instruction available to first through fifth graders. Like ETMPA, ETMA has also sought and received charter campus status. In order to be ready to serve students in the 2018-19 school year, the District has begun the process of repurposing the former LEAD building (which is vacant) for the ETMA³⁵. Enrollment at ETMA will be phased in, with 250 Students projected for the first year (mainly 1st graders for program continuity from ETMPA). Thereafter, enrollment will be capped at 450 students and will be based on a weighted lottery that factors in geographical boundaries, program continuity, socioeconomic status, racial equity, and sibling placement.³⁶ The District intends to market the program to students currently enrolled in home school, private school, and surrounding schools to further promote and ensure racial balance. The District's intent is to offer transportation in the same manner as offered at Hudson PEP, with the home campuses serving as bus depots for students transferring to the magnet campus.³⁷

B. Reconfigure Bramlette Elementary and Judson Middle School as STEAM Academies

With the implementation of House Bill 5,³⁸ which strengthened and restructured graduation requirements, parents and the community expressed the need to develop 21st

³⁴ See Exhibit C for current PreK-K populations.

³⁵ The physical address of ETMA is 500 N. Third, Longview, Texas, 75601

³⁶ The ETMA transfer policy has not been finalized and approved by the Board, but it will be drafted in a manner that promotes integration and diversity.

³⁷ Upon graduation from the ETMA, students will matriculate to their residentially zoned middle school.

³⁸ Acts 2015, 83rd Leg., ch. 211

Century prepared students through STEAM (Science, Technology, Engineering, Arts, and Math) based opportunities. To fully integrate STEAM disciplines, the educational process must begin as early as possible, as exposure to STEAM in the early grades has been shown to facilitate critical thinking development.

The District has identified the Bramlette Elementary School and Judson Middle School campuses³⁹ as the schools that would benefit most from a fully integrated STEAM program focused on the Arts and Engineering.⁴⁰ Bramlette has historically struggled with science on local and state testing. In order to address this deficiency, better and more engaging programming is needed. Community interest and the current trend with robotics programs led the district to identify engineering as the main focus of the new program. Furthermore, Bramlette feeds into Judson (LMSSA), the middle school currently offering the most robust arts curriculum, with its own orchestra and multiple art classes. The District's intent is to expose students to engineering and the arts at the elementary level in order to create more in-depth instruction at the middle school level. It is the District's belief that this earlier exposure to arts and engineering, coupled with career exploration, will greatly benefit underserved and underrepresented populations.

The program at Judson will expand the existing arts curriculum and add an engineering component. This campus was chosen for enhanced STEAM offerings in order to serve as a feeder to the Longview High School STEM endorsement pathway upon entering high school. Existing partnerships with Kilgore College and LeTourneau University for career exploration in STEAM fields make Judson a model campus for the STEAM program.

³⁹ Located at 110 Tupelo Drive and 5745 Judson Road, Longview, Texas, respectively.

⁴⁰ Both schools are currently lower performing campuses.

If approved, Bramlette and Judson will be renamed Longview Elementary STEAM Academy and Longview Middle School STEAM Academy (LESA/LMSSA), respectively. The feeder pattern of LESA (Bramlette) into LMSSA (Judson) will ensure the continuity of STEAM education throughout grades 1-8, fully preparing students to pursue the STEAM offerings at Longview High School. The STEAM program is specifically designed to increase performance on all STAAR tests, boost attendance rates to 97% or higher, increase partnerships with local STEAM-related businesses, and increase eligibility to enroll in pre-AP courses by 10%.

Students are slated to be served at the campuses beginning with the 2017-2018 school year. While the enrollment policy language is still being drafted, LESA and LMSA will be in-district charter schools serving students residing within their specified geographical attendance zones (i.e. the current Bramlette and Judson attendance zones). Any remaining available slots will be filled by a weighted lottery open to District and non-District students that will factor geographical boundaries, program continuity, low SES, racial equity, and sibling placement. The student enrollment processes for these remaining slots will continue to promote full racial and socioeconomic integration district wide. Transportation will mimic the Foster/Hudson PEP transportation plan currently in effect that provides for bus depots at home campuses for students transferring to a magnet campus. Transportation will not be provided for students residing outside of LISD's attendance boundaries.

The District is not seeking MSAP grant funding for the STEAM Academies, but has received TEA Charter School Start Up grant monies. The charter designation will allow

these schools flexibility and autonomy to fully embrace the STEAM model, while fulfilling state curriculum requirements.

C. Designate Ned E. Williams Elementary as a STEAM Magnet Program

Ned E. Williams⁴¹ has made significant academic strides in recent years, receiving Distinction Designations on the Texas Education Agency's Texas Academic Performance Report⁴² for several years in a row. It has also been identified as both a high performing and a high progress school in recent years.⁴³ A high-progress reward school is a Title I campus in the top 25 percent in annual improvement and/or a campus in the top 25 percent of those demonstrating ability to close performance gaps. A high-performance reward school is identified as a Title I school with distinctions based on reading and math performance. Schools identified as "Reward Schools" have demonstrated success in improving the quality of instruction, closing achievement gaps, increasing equity, and improving educational outcomes for all students.

Given the academic strides taking place at Ned E. Williams, LISD believes the school is well-positioned to become a STEAM magnet. Student interest surveys, teacher input, and participation in annual science fairs and projects have shown enthusiasm and excitement about science on this campus. The campus has an established partnership with the neighboring Eastman Kodak Chemical Company and plans to capitalize on that relationship to provide students from low socioeconomic backgrounds exposure to careers in

⁴¹ Located at 5230 Estes Parkway, Longview, Texas.

⁴² Texas Academic Performance Report, <https://rptsvr1.tea.texas.gov/perfreport/tapr/> (last visited March 28, 2017)

⁴³ http://tea.texas.gov/Student_Testing_and_Accountability/Monitoring_and_Interventions/School_Improvement_and_Support/Priority_Focus_and_Reward_Schools/ (last visited March 28, 2017)

science. The district anticipates the science programming will attract students from surrounding communities, such as Tatum ISD, or home-schooled students. Since Ned E. Williams is a high performing Title I campus, it is well-situated for enhanced programming and integration of Project-Based Learning. LISD's partnership with LeTourneau University will also allow the District to provide expanded offerings and bring real-world STEAM-based experiences to students.

The District is seeking MSAP funding to effectuate this plan. Enrollment will be based on current attendance zones, with any remaining available slots being filled by weighted lottery designed to promote racial balance and program continuity. Transportation will be provided to intradistrict transfers in a method similar to that provided at Hudson PEP, with the home campus serving as a bus depot. Ned E. Williams Elementary feeds into Foster Middle School, which currently has a successful math and science focus, thereby ensuring continuity in the STEAM fields of study.

D. Enhance Forest Park Middle School's IB programming

Forest Park Middle School⁴⁴ is a residential middle school that since 2004 has housed the enhanced academic program offering of the International Baccalaureate Programme.⁴⁵ In light of the enhanced programming designed for Longview High School and to promote IB continuity, the District is seeking federal MSAP funding to continue Forest Park Middle School's IB magnet program and increase its academic rigor. There will be no change to the admission process currently in place and the campus has

⁴⁴ Located at 1644 North Eastman Road, Longview.

⁴⁵ See Order on Joint Motion to Amend Desegregation Order, July 15, 2004, ECF No. 4.

significant capacity for growth of the program.⁴⁶ Transportation will be provided to intradistrict transfers with the home campus serving as a bus depot.

E. Expand Longview High School's IB, Dual Credit, AP and Early College High School Programs

In April 2015, Longview ISD, in partnership with Kilgore College, received the Early College High School designation from TEA.⁴⁷ Early College High Schools (ECHS) are innovative high schools that allow students least likely to attend college an opportunity to earn a high school diploma and either an associate degree or at least 60 college credit hours toward a baccalaureate degree. Under this model, an ECHS provides dual credit at no cost to students; offers rigorous instruction and accelerated courses; provides academic and social support services to help students succeed; increases college readiness; and reduces barriers to college access.⁴⁸

In addition to the ECHS program, Longview High School⁴⁹ offers extensive course selection opportunities aimed at post-secondary readiness, such as Pre-AP, Advanced Placement, and career and technical courses. The high school has witnessed an increase in the number of white transfers from the surrounding communities due to its extensive high school offerings, and wishes to capitalize on this progress by designating the high school as a magnet program. In addition to attracting more students, thereby enhancing diversity, a magnet designation would allow the District to obtain grant funding needed to market the programs and provide greater access to advanced coursework.

⁴⁶ The campus is currently 200 students below capacity.

⁴⁷

http://tea.texas.gov/About_TEA/News_and_Multimedia/Press_Releases/2015/TEA_announces_early_college_high_school_designations/

⁴⁸ http://tea.texas.gov/Home/Commissioner_Blog/Texas_a_Leader_in_Early_College_High_Schools/

⁴⁹ Located at 201 East Tomlinson Parkway, Longview, Texas.

F. Publicizing LISD's New Programs

The District proposes several measures it believes will attract more white interdistrict transfer students to the District and encourage increased intradistrict majority-to-minority transfer activity, thereby improving racial diversity throughout the District. The marketing plan reflects a sequential and comprehensive approach for attracting and holding the interest of students. The plan includes magnet fairs, mass media advertising, open house events, and materials for distribution. Information, in both English and Spanish, regarding the magnet school programs and application deadline will be placed in newspapers, radio and television advertising, brochures, cable community calendars, billboards, banners, and on the district website. In addition, meetings at gathering places such as neighborhood churches, community centers, the city library, and neighborhood Boys and Girls Clubs, will ensure that no family is left out of the loop.

A marketing campaign that keeps parents apprised of the options that children have available to them through magnet schools is critical for effectively recruiting students from diverse backgrounds to the project schools. All the project schools are whole school magnets. The neighborhood children within each attendance zone, as well as those recruited to the school, will all be magnet students. Families in Longview indicated the following factors were major considerations when deciding to send their child(ren) to a magnet school: 1) safety of the campus 2) advanced academics 3) cutting edge technologies 4) attractive theme/program emphasis 5) bus transportation. Marketing will stress these factors to potential magnet families. The yearly recruitment schedule and marketing will be analyzed and improved each year with input from principals and magnet staff members.

G. Ensuring Staff Diversity

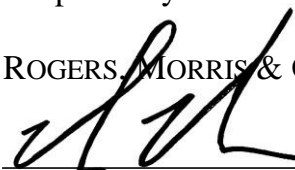
Throughout the proposed programmatic changes, LISD will continue its commitment to and diligence in recruiting, hiring, and retaining a diverse staff. To this end, the District is leaving no stone unturned, employing both traditional and nontraditional methods of securing a diverse teaching pool. Recruitment initiatives include job fairs across the state; a new social media, radio and television marketing campaign; and multiple District fairs to attract interest. Additionally, the District has begun recruiting efforts at universities in Mexico, Puerto Rico, and other Spanish-speaking countries in order to enhance its Bilingual teaching applicant pool.

IV.
PRAYER

LISD requests that the Court approve the District's plan to expand its magnet program and charter campus offerings as set forth above by granting this Motion and entering the accompanying Order.

Respectfully submitted,

ROGERS, MORRIS & GROVER, L.L.P.



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ATTORNEY FOR LONGVIEW

INDEPENDENT SCHOOL DISTRICT

CERTIFICATE OF CONFERENCE

I hereby certify that on May 3 and 9, 2017, I conferenced with Mark Dann, counsel for the United States in compliance with the meet-and-confer requirement in Local Rule CV- 7(h). The parties are continuing to confer regarding the DOJ's potential non-opposition to the Motion .



Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and notice was electronically provided to the following CM/ECF system participants:

Amy I. Berman, Esq.
Mark A. Dann, Esq.
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Education Opportunities Section
Patrick Henry Building, Suite 4300
Washington, D.C. 20530



Attorney for Defendant

EXHIBIT A

2016-17 Enrollment Data Longview ISD as of March 1, 2017

CAMPUS	Am Indian		Asian		Black		Hispanic		Hawaiian		White		Two or More		TOTALS
	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%	
ETMA (PK-K Data taken from all campuses for consolidation at ETMA)	3	0.3	8	0.7	408	37.4	467	42.8	2	0.2	162	14.8	42	3.8	1092
Bramlette	2	0.5	6	1.4	205	46.4	157	35.5	1	0.2	54	12.2	17	3.8	442
Hudson PEP	5	0.8	26	4.20	113.0	18.30	115.0	18.600	3.0	0.50	327.0	53	28.0	4.5	617
J. L Everhart	1	0.2	3	0.6	157	29.7	259	49.1	0	0	83	15.7	25	4.7	528
Johnston McQueen	4	0.8	13	2.5	159	31.1	98	19.1	0	0	215	42	23	4.5	512
Ned E Williams	4	1	2	0.5	193	47.5	161	39.7	0	0	25	6.2	21	5.2	406
South Ward	1	0.2	0	0.0	124	29.2	273	64.2	0	0.0	20	4.7	7	1.6	425
Ware	3	0.6	1	0.2	192	36.2	294	55.4	2	0.4	21	4.0	18	3.4	531
ELEM TOTAL	23	4.4	59	10.1	1551	275.8	1824	324.4	8	1.3	907	152.6	181	31.5	3461
Forest Park	5	1.0	2	0.4	156	31.2	288	57.6	1	0.2	32	6.4	16	3.2	500
Foster	4	0.50	17	2.20	300	39.40	293	38.5	126	0.17	126	16.00	21	2.80	887
Judson	6	1.3	7	1.5	153	32.3	133	28.1	2	0.4	152	32.1	21	4.4	474
MIDDLE SCHOOL TOTAL	51	10	104	18	2985	552.4	3623	676.1	139	2.465572	1581	279.7	333	61.3	1861
LHS	16	0.7	31	1.3	907	38.5	828	35.2	3	0.1	500	21.2	69	2.9	2354
HIGH SCHOOL TOTAL	16	0.7	31	1.3	907	38.5	828	35.2	3	0.1	500	21.2	69	2.9	2354

EXHIBIT B

EXHIBIT C

Current Combined PreK-K Populations as of 5/1/17					
Campus	Hispanic	Black	White	Other	Total
Bramlette	45 (27.9%)	81 (50.3%)	31 (19.3%)	4 (2.4%)	161
Everhart	74 (39.6%)	55 (29.4%)	50 (26.7%)	8 (4.3%)	187
Johnston-McQueen	11 (7.7%)	51 (35.9%)	75 (52.8%)	5 (3.5%)	142
South Ward	100 (64.5%)	49 (31.6%)	6 (3.9%)	0 (0%)	155
Ware	77 (57%)	45 (33.3%)	11 (8.1%)	2 (1.5%)	135
Ned E. Williams	48 (36.9%)	65 (50%)	16 (12.3%)	1 (.7%)	130
Projected ETMPA Population Based on Current PreK-K Enrollment					
ETMPA	344	295	114	20	773
	44.50%	38.16%	14.75%	2.59%	