

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

IRMA J. SMITH, <i>et al.</i> , Plaintiffs)	CIVIL ACTION NO. 65-11577
)	
and)	Judge Robert G. James
)	
UNITED STATES OF AMERICA,)	
Plaintiff-Intervenor)	Magistrate Judge James D. Kirk
)	
v.)	
)	
CONCORDIA PARISH SCHOOL)	
BOARD, <i>et al.</i> ,)	
Defendants)	
_____)	

CONSENT ORDER

I. Introduction

On January 30, 1970, the Court ordered Defendants, including the Concordia Parish School Board, to adopt a desegregation plan. *See* Order, January 30, 1970. Concordia Parish School District (“District”) is still operating under the requirements of this 1970 federal desegregation order and further orders mandating the desegregation of the District.

On September 7, 2012, Intervenor Delta Charter Group, Inc. (“Delta Charter Group” or “DCG”) filed a “Motion for Authorization to Operate Charter School.” The Louisiana Board of Elementary and Secondary Education (“BESE”) authorized DCG to operate the Delta Charter School of Math, Science and Technology (“DCS”) as a Type 2 public charter school under Louisiana Charter School Law, R.S. 17:3973(2)(b)(ii). Pursuant to Louisiana law, a Type 2

charter school is a “public school,” R.S. 17:3973(2)(a), and “pupils who reside in the state will be eligible to attend.” R.S. 17:3963(2)(b)(ii).

DCS is seeking to open and to serve students in grades K-9 in Concordia Parish beginning with the 2013-2014 school year. In its first year, DCS will serve 23 students per grade, with an overall enrollment of approximately 230 students in its first year. Each year, DCS will add one grade until it serves approximately 300 students in grades K-12. DCS will be geographically located in Ferriday, Louisiana, within the jurisdiction of the District.

In December 2012, the District enrolled 3,807 students, 49.0% of whom are white and 49.5% of whom are black. DCG has not yet recruited students and teachers.

To ensure that DCS meets its desegregation obligations consistent with orders entered in this case, as indicated by the signatures of their counsel, the parties have reached agreement on the provisions set forth below.

After reviewing its terms, the Court has determined that this agreement is reasonable, fair, consistent with all legal requirements, and in the interest of justice.

THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that the parties be enjoined from failing to implement in good faith the commitments set forth below.

II. Delta Charter Group’s Obligations

1. Delta Charter Group agrees that it is governed by and that it will comply with the desegregation obligations mandated by this case.
2. Delta Charter Group agrees that it will take no action that will impede the Concordia Parish School Board’s ability to fulfill its obligations to comply with the Orders in this case and applicable federal desegregation law.

3. Delta Charter Group will conduct hiring for all employment vacancies at DCS on a non-discriminatory basis.
4. Delta Charter Group will implement affirmative measures to recruit, hire, and retain qualified black faculty members.
5. Delta Charter Group will ensure that black community members will be afforded the opportunity to serve on the DCS Board of Directors in a similar manner as white community members.
6. Delta Charter Group will recruit students by conducting outreach events within the black community. It will also advertise and publicize the existence of the school in a manner that ensures that black students and parents are informed about the school and afforded enrollment opportunities in a similar manner as white students and parents.
7. Delta Charter Group will amend its at-risk and final lotteries to incorporate a preference for a student who seeks to enroll at Delta Charter School from a Concordia Parish school where his/her race is overrepresented compared to the overall racial demographics of the District.
8. Delta Charter Group's student enrollment will reflect the racial demographics of the Concordia Parish School District. If thirty (30) days prior to the start of classes for any school year the percentage of black student enrollment in Delta Charter School is 10% or more below the black student enrollment in the Concordia Parish School District, Delta Charter Group will analyze the causes of this enrollment rate, propose how to modify the enrollment rate, and submit the analysis and proposal to the Court and the parties by July 15 of each year for the upcoming school year.

9. After receiving such a submission, a party shall have a right to petition the Court for a hearing and such hearing will be scheduled within thirty (30) days of the request.

III. Records and Reporting

1. Delta Charter Group shall retain all student applications and records of all actions taken pursuant to the requirements of this Consent Decree, including, among other things, all records and files describing the advertising and publicizing of the school to potential students and their parents or guardians, and the efforts to recruit qualified black faculty and staff members. All parties to the litigation reserve the right, upon reasonable notice, to inspect such records.
2. Thirty (30) days prior to the start of each school year, Delta Charter Group shall file a report with the Court and present a copy to the parties with the following data for the Delta Charter School:
 - a. the number of students enrolled in each grade by race;
 - b. the name, grade of enrollment, race, and transferring school of each newly-enrolled student;
 - c. the number of full-time teachers by race;
 - d. the number of part-time teachers by race;
 - e. the number and title of administrators by race;
 - f. the number of staff by race;
 - g. the number of members of the Board of Directors by race; and
 - h. the name, title, and race of the DCS teachers and administrators who are hired from the District.
3. On October 15 of each school year, the Concordia Parish School Board shall file a report with the Court and present a copy to the parties with the following data:
 - a. the number of students enrolled in each District school by grade and race;
 - b. the number of students transferring out of District schools, by grade and race;
 - c. the number of students transferring out of the Ferriday schools, by grade and race;
 - d. for each District school, the number of full-time teachers by race;
 - e. for each District school, the number of part-time teachers by race;

- f. for each District school, the number and title of administrators by race; and
 - g. for each District school, the number of staff by race.
4. On April 1, 2013, Delta Charter Group shall file a Status Report with the Court and serve a copy on the parties providing the following information:
- a. a detailed description of DCG's recruitment activities in the black community;
 - b. the number of applications received from students by race and indicating the Concordia Parish school previously attended; and
 - c. the number of applications of students by race accepted for enrollment indicating the Concordia Parish school previously attended.

IV. Jurisdiction

In accordance with the 1970 Order and other orders entered in this case, the Court shall retain jurisdiction of this action, inter alia, to monitor the implementation of the provisions of this Consent Decree to ensure that the District and Delta Charter Group are complying with the Constitution and federal laws governing it, and to consider any appropriate pleadings in this case.

SO ORDERED AND DECREED, this 4th day of January, 2013.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

THE UNDERSIGNED CONSENT TO THE ENTRY OF THIS ORDER:

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