

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

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IRMA J. SMITH, <i>et al.</i> ,)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	
Plaintiff-Intervenor,)	Civil Action No. 65-CV-11577
)	
v.)	Judge Dee D. Drell
)	
CONCORDIA PARISH SCHOOL BOARD, <i>et al.</i> ,)	
Defendants,)	Magistrate Judge Joseph Perez-
)	Montes
and)	
)	
DELTA CHARTER GROUP, INC.,)	
Defendant-Intervenor.)	
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DRAFT CONSENT ORDER

This Consent Order arises out of the good faith efforts of Plaintiff-Intervenor United States of America (the “United States”) and Defendant Concordia Parish School Board (the “Board”) to address and resolve this school desegregation case. This Consent Order is jointly entered into by the United States and the Board (collectively, “the Parties”), and the Parties agree to comply with its terms. Having reviewed the terms of this Consent Order, the Court finds that it is consistent with the Board’s desegregation obligations, the Fourteenth Amendment to the United States Constitution, and all applicable federal law.

OVERVIEW

When Plaintiffs filed this desegregation action on November 30, 1965, the Concordia

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Parish School District (the “District”) operated a *de jure* segregated system, utilizing separate schools for black students and white students and assigning students on a racially discriminatory basis. On February 3, 1966, the Court granted the United States’ motion to intervene. By order dated September 3, 1970, the Court required the District to implement the desegregation plan submitted by the United States Department of Health, Education, and Welfare. Since 1970, the Court has entered several additional orders clarifying the District’s desegregation obligations. A more detailed procedural history can be found in the Court’s December 16, 2022 Order. *See* ECF No. 307.

In reaching this Agreement, the District does not admit to any non-compliance with its desegregation obligations or the Orders of this Court. However, the District agrees to take the following remedial measures to address the concerns identified by the United States and thus to fully and finally fulfill its desegregation obligations. The Parties agree that full compliance with this Consent Order will help support a finding that the District has complied with its obligations to eliminate the vestiges of the prior *de jure* segregation to the extent practicable.

LEGAL STANDARDS

The ultimate objective of every desegregation case is the elimination of the vestiges of past *de jure* racial segregation in all aspects of school operation. *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971). Because the Board operated a *de jure* segregated school system in the past, it must “take all steps necessary to eliminate the vestiges of the unconstitutional *de jure* system” to the extent practicable and thus achieve unitary status. *See Freeman v. Pitts*, 503 U.S. 467, 485 (1992). The District has the burden of proving compliance with the Court’s desegregation orders and demonstrating that the effects of state-imposed segregation have been remedied to the extent practicable. *Id.* at 494. Control of the

school district is returned to the local school board “at the earliest practicable date” once unitary status has been achieved. *Id.* at 490.

The Supreme Court has identified six areas, known as the “*Green* factors,” that must be free from vestiges of the prior *de jure* segregation before full unitary status can be achieved: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *See Green v. Cnty. Sch. Bd. of New Kent Cnty.*, 391 U.S. 430, 435 (1968); *Bd. of Educ. of Okla. City Pub. Sch. v. Dowell*, 498 U.S. 237, 250 (1991). Courts may also consider other indicia, such as “quality of education” and discipline, as important factors for determining whether a district has fulfilled its desegregation obligations. *See Freeman*, 503 U.S. at 492–93; *Tasby v. Estes*, 643 F.2d 1103, 1104–08 (5th Cir. 1981).

A “fundamental” inquiry in assessing a school district’s compliance with a desegregation decree is determining whether its schools remain racially identifiable. *Freeman*, 503 U.S. at 474. A school is racially identifiable with respect to student assignment where the school’s student enrollment by race deviates plus or minus fifteen percent from the district-wide student enrollment by race for the comparable grade levels, *e.g.*, elementary, junior high, and high schools. *Belk v. Charlotte-Mecklenburg Bd. of Educ.*, 269 F.3d 305, 319 (4th Cir. 2001); *see also Swann*, 402 U.S. at 23–25 (approving the measurement of student demographic ratios “as a useful starting point in shaping a remedy to correct past constitutional violations”). Where reasonable alternatives are available, it is “unacceptable” to maintain nearly all one-race schools in a school system. *Valley v. Rapides Par. Sch. Bd.*, 702 F.2d 1221, 1226 (5th Cir. 1983). Federal courts and school districts should make “every effort to achieve the greatest possible degree of actual desegregation,” including by using “all available techniques including restructuring of attendance zones.” *Davis v. Bd. of Sch. Comm’rs of Mobile Cnty.*, 402 U.S. 33, 37 (1971).

Furthermore, to obtain unitary status with respect to student assignment, a school district must eliminate, to the extent practicable, “not only segregated schools, but also segregated classes within the schools.” *Johnson v. Jackson Par. Sch. Bd.*, 423 F.2d 1055, 1056 (5th Cir. 1970) (per curiam); *see also McNeal v. Tate Cnty. Sch. Dist.*, 508 F.2d 1017, 1018–21 (5th Cir. 1975) (considering ability grouping).

In considering whether a school district has fully desegregated, a court may also consider ancillary factors, such as “the quality of education being offered to the white and black student populations,” including academics. *Freeman*, 503 U.S. at 473, 482–84; *see also Borel v. Sch. Bd. St. Martin Par.*, 44 F.4th 307, 315 (5th Cir. 2022). A court may also consider student discipline; a school district may not discipline students in a racially discriminatory manner. *Tasby*, 643 F.2d at 1107–08; *see also Borel*, 44 F.4th at 315–16 (considering discipline within its analysis of quality of education).

A school district “must show that faculty and staff who work directly with children are assigned in such a manner that the racial composition of the faculty and staff would not indicate that the school is intended for either African–American or white students.” *Anderson v. Sch. Bd. of Madison Cnty.*, 517 F.3d 292, 303 (5th Cir. 2008). Districts “shall assign . . . the ratio of [black] to white teachers in each school, and the ratio of other staff in each,” so that they “are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.” *Singleton v. Jackson Mun. Separate Sch. Dist.*, 419 F.2d 1211, 1218 (5th Cir. 1969) (per curiam). Courts may also consider whether all faculty and staff “will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.” *Id.*

To meet its constitutional obligations with regard to facilities, the District must take

“corrective action . . . with regard to the maintenance of buildings and the distribution of equipment” in order to “produce schools of like quality,” such that any differences in individual facilities are the product of factors unrelated to race and do not reflect the conditions that existed under the dual system. *Swann*, 402 U.S. at 18–19. “Decisions about construction, renovation, and administration of school facilities” may not “retard desegregation or affect its students in a racially inequitable manner.” *Anderson v. Canton Mun. Separate Sch. Dist.*, 232 F.3d 450, 455–56 (5th Cir. 2000).

A school district must ensure no discrimination or vestiges of discrimination exist in its extracurricular activities by making activities available to all students regardless of race and by eliminating any financial barriers to participation. *See Quarles v. Oxford Mun. Separate Sch. Dist.*, 868 F.2d 750, 757 (5th Cir. 1989); *Belk*, 269 F.3d at 329; *Little Rock Sch. Dist. v. Armstrong*, 359 F.3d 957, 967 (8th Cir. 2004).

The proper measure of a district’s progress toward unitary status “is the effectiveness, not the purpose,” of its actions. *Dayton Bd. of Educ. v. Brinkman*, 443 U.S. 526, 538 (1979); *see also Swann*, 402 U.S. at 25. In order to secure a declaration of unitary status as to any one (or more) of the *Green* factors, the District must demonstrate, as to each specific factor, that it has complied in good faith with the desegregation decree for a reasonable period of time and that the vestiges of past discrimination have been eliminated to the extent practicable. *Dowell*, 498 U.S. at 249–50. For each factor, if the facts reveal (1) no continued racial discrimination, (2) that the District has made good faith efforts to comply with the desegregation decree, and (3) that the District has made affirmative efforts to eliminate the vestiges of the prior discrimination, this Court may declare that factor unitary but retain continuing jurisdiction over the remaining factors until such time as unitary status is achieved in the remaining areas. *Freeman*, 503 U.S. at

490–92.

DECLARATION OF PARTIAL UNITARY STATUS AND DISMISSAL

Having reviewed the Joint Motion, it is the opinion of this Court that the District has: (1) fully and satisfactorily complied with the Court’s desegregation orders related to transportation for a reasonable period of time; (2) eliminated the vestiges of its past *de jure* discrimination related to transportation to the extent practicable; and (3) demonstrated a good faith commitment to the Court’s orders and the relevant provisions and laws which predicated judicial intervention in the first instance. It is hereby **ORDERED** that the District is declared partially unitary with respect to transportation. Except to the limited extent this factor may be specifically addressed with regard to the remaining factors, *Freeman*, 503 U.S. at 497, all claims related to this factor consistent with above are hereby **DISMISSED**.

TERMS OF CONSENT ORDER

I. GENERAL REQUIREMENTS

The District is permanently enjoined from operating a dual public school system which segregates students on the basis of race and from adopting any racially discriminatory policy or practice. As set out more particularly in this Order, the District shall take affirmative steps in the areas of student assignment, faculty, staff, facilities, quality of education, and extracurricular activities to eradicate all, if any, remaining vestiges of the former *de jure* segregated system to the extent practicable. *See Green*, 391 U.S. at 437–38.

II. STUDENT ASSIGNMENT

The District shall not assign students to schools or classrooms in a racially discriminatory manner or in a manner that perpetuates the prior *de jure* segregated system. The District shall not maintain any classroom or activity on a segregated or racially discriminatory basis so that no

student is effectively excluded from attending any class or activity on the basis of race.¹ The Parties agree, and the Court finds, that a school with a black or white student ratio that is plus or minus fifteen percent (+/-15%) variance from the District-wide ratio of black or white enrollment is racially identifiable.

A. School Assignment

1. **Vidalia and Ferriday School Zones, Grades Kindergarten to 8.** Beginning with the 2025-2026 school year, students who reside in the Ferriday and Vidalia attendance zones (as modified by this section) for Kindergarten through grade 8 shall be paired into one single grade structure and shall be assigned to schools as follows:
 - a. Students enrolled in Kindergarten, grade 1, and grade 2 shall attend Vidalia Upper Elementary.
 - b. Students enrolled in grades 3, 4, and 5 shall attend Ferriday Upper Elementary.
 - c. Students enrolled in grades 6, 7, and 8 shall attend Ferriday Junior High.
2. **Vidalia and Ferriday School Zones, Grades 9 to 12.** For students in grades 9 to 12, the District shall modify the attendance zone line between Ferriday and Vidalia as reflected in Appendix A.
 - a. Beginning with the 2025-2026 school year, students enrolled in grades 9 to 12 who reside in the modified Ferriday attendance zone shall attend Ferriday High School absent a valid transfer.
 - b. Beginning with the 2025-2026 school year, students enrolled in grades 9 to 12 who reside in the modified Vidalia attendance zone shall attend Vidalia High School absent a valid transfer.

¹ Nothing in this Order shall prohibit the District from implementing programs not specifically included in this Order but designed for the remedial redress of deficiencies among educationally deprived students or for the purpose of overcoming the effects of prior discrimination. *See* August 8, 1971 Order.

3. **Monterey School Zone, Grades Kindergarten to 12.** Beginning with the 2025-2026 school year, the Monterey attendance zone shall be modified to include all students residing on and south of the section of State Route 565 that runs east/west between Route 129 and Route 15 (including both sides of 565). The modified attendance zone is reflected in Appendix A.

B. Attendance Zones & Residency Verification

The District shall strictly enforce attendance zone and boundary lines in a manner consistent with federal desegregation law and the relevant provisions in this Order.

1. **Attendance Zones.** Within ninety (90) days² of the entry of this Order, the District shall develop an interactive, electronic map of its current attendance zones for the 2025-2026 school year. The District shall ensure that the map clearly identifies each attendance zone and boundaries, including boundaries between parishes.
 - a. The District shall create an electronic form that allows parents/guardians to input their address to determine their zoned school by grade.
 - b. The District shall include a link to the map on its home page and its student registration website.
 - c. The District shall make a printable map of the attendance zone boundaries available to the public in the Central Office and at every school.
 - d. The District shall distribute an electronic version of this map to each school administrative office and the District's Central Office once complete.
2. **Modifications to Attendance Zones or School Assignments.** If the District seeks to change its attendance zone boundaries or grade configurations required by this Order,

² Throughout this Order, "days" means calendar days. If a deadline falls on a weekend, a state or federal holiday, or a date when the District is otherwise closed, that deadline shall be extended to the first regular business day following.

it must first obtain Court approval. The District shall provide the United States with notice of the proposed change(s) for its review and comment no fewer than sixty (60) days prior to submission to the Court. The United States may provide comment to the District within thirty (30) days of receipt of the notice. If the Parties do not agree, the Parties shall implement the meet and confer process outlined in Paragraph VII(A). If disagreement remains after the Parties have completed the meet and confer process, the Board shall submit the proposed modifications to the Court, requesting a briefing schedule agreed upon by the Parties.

- a. Notice to the United States shall include a description of:
 - i. The proposed change(s);
 - ii. The impact of the change(s) on student assignment in the District; and
 - iii. The projected impact of the change(s) on the racial demographics of students, faculty, staff, and administrators at each affected school.
- b. The District must receive Court approval for all proposed changes to attendance zone boundaries or grade configurations prior to implementation. If the Court approves the proposed change(s), the Board shall update the attendance zone map within forty-five (45) days of the date of the Order and distribute the updated map to each school administrative office, the District's Central Office, and the United States, and comply with the requirements in Paragraph II(B)(1).

3. **School Registration.** For the 2025-2026 school year, all students in grades K-12 seeking to attend District schools or programs shall be required to register or re-register. Starting in the 2026-2027 school year, and for each subsequent school year unless otherwise ordered by this Court, the District shall require new students to

register, including students reentering after interrupted attendance. The District may impose additional registration requirements as needed to verify student attendance.

4. **Policies on Residency Requirements and Investigations.** The District shall develop clear policies and procedures on how to register and verify student residency, including verifying that each student's address is located within the appropriate attendance zone boundary absent a valid transfer, and submit them to the United States for review and comment within thirty (30) days of the date of this Order. The United States shall submit its comments to the District within thirty (30) days of receipt. If disagreement remains after receipt of the United States' comments, the Parties shall initiate the meet and confer process outlined in Paragraph VII(A).
5. **Residency Verification.** For the 2025-2026 school year and each subsequent school year, the Desegregation Compliance Officer in collaboration with the school administrators shall ensure that the residency verification process is properly and completely conducted for each student. Each principal may designate no more than three school-level employees to conduct the verification process. The Desegregation Compliance Officer shall have supervisory authority over the implementation of the residency verification process at every school.
6. **Parent and Student Outreach.** Beginning six months prior to the implementation of student assignment changes outlined in Paragraph II(A), the District shall host a minimum of four (4) information sessions, one in each attendance zone and one virtual session, to educate parents/guardians and students about the student assignment changes outlined in Paragraph II(A). The District shall advertise the meetings in the newspaper and on the District website and shall record and post at

least one session on the District's website. At the information sessions, the District shall cover the following topics: changes to student assignment and when they will go into effect; the anticipated changes to student bus routes; the academic, enrichment, staffing, and resource benefits of pairing Vidalia and Ferriday schools; the benefits of attending school in an integrated environment; and the student transfer procedures outlined in Paragraph II(C).

7. **Employee Outreach.** Nine months prior to the implementation of the student assignment changes outlined in Paragraph II(A), the District shall host mandatory information sessions for all employees at each of the zoned schools in Ferriday and Vidalia and shall cover the following topics at each session: changes in staffing due to the student assignment modifications outlined in Paragraph II(A); the mandates to conduct hiring and dismissals on a non-discriminatory basis; and the student transfer procedures outlined in Paragraph II(C).
8. **Training on Attendance Zones, Transfer Policies, & Residency.** Within ninety (90) days of the entry of this Order, the District shall conduct a mandatory training on its attendance zones, student transfer policies and procedures, and residency verification policies including how to verify student residency using the attendance zone map and how to report suspected violations of the District's attendance zones. The District shall provide this training to all faculty and staff,³ as well as all Central Office staff involved in reviewing or recording student assignment decisions each year for the first two years of the monitoring period and to new employees during their new hire orientation.

³ See definition of "faculty and staff" in the Faculty and Staff section (Paragraph III).

C. Student Transfers

The District shall permit a student zoned for a school in which the student's race is in the majority to choose to attend another school where their race is in the minority (Majority-to-Minority transfer program). The District shall not grant any transfers of or admission to students who live outside of Concordia Parish (inter-district transfers) unless they qualify for transfers as children of current faculty or staff members.⁴ For all other transfers, the District shall grant or deny transfers consistent with the provisions described below.

1. **Transfer Applications.** Beginning with the 2025-2026 school year, parents/guardians who wish to enroll their children in a District school on a transfer must submit a transfer application. Applications can be submitted online or in person at any District school or the Central Office.
 - a. The District shall distribute a notice informing parents/guardians of the transfer applications with second quarter report cards, add a link to the transfer application form on the home page of its website, and make copies available in every school and the Central Office.
 - b. The District shall create an online form that enables parents/guardians to submit their transfer applications from a computer or mobile device.
 - c. The District shall release the transfer application forms (including the online form) on January 1 and shall accept applications from January 1 through April 1 each year. Applications must be postmarked or received by the Central Office by

⁴ If the District intends to modify its transfer policy to grant inter-district transfers to students who do not qualify as children of employees, prior to implementing the new policy, it shall seek Court approval to determine whether the proposed policy has the cumulative effect of reducing desegregation or reinforcing the dual school system. *See Lee v. Eufaula City Bd. of Educ.*, 573 F.2d 229, 234 (5th Cir. 1978) (“[A]t such time as the Board may choose to modify [its transfer] policy, and before a new transfer policy is implemented, the district court will be required to conduct such proceedings as may be necessary to determine whether the proposed policy has the cumulative effect of reducing desegregation or reinforcing the existence of a dual school system in the school districts involved.”).

April 1 at 5:30 p.m. The District shall develop a system to mark each application, including paper and electronic applications, with the date and time of receipt. Applications received after 5:30 p.m. on April 1 shall not be accepted unless the student applicant is a new resident of Concordia Parish, the parent/guardian is a new employee in the District, or the transfer qualifies as an emergency transfer for health/safety or hardship reasons.⁵

2. **Transfer Decisions.** The District shall designate one Central Office staff member to oversee and review all transfer applications (referenced here as “Transfer Administrator”).
 - a. Beginning with the 2025-2026 school year, no inter-district or intra-district transfers into District schools shall be permitted other than those approved by the Transfer Administrator absent objection of the United States. The Transfer Administrator shall only approve transfers that meet the requirements set forth in this Order. Upon receiving notice of a transfer decision, the United States shall have fifteen (15) days to object or request an extension unless otherwise specified.
 - b. The District shall keep accurate records of all transfer requests including the transfer applications with the date received, type of transfer, the faculty or staff member who approved/denied the request, the reason for approval and expiration date if approved, and the reason for denial if denied. The District shall record and retain transfer decisions in the student information system and make the transfer status accessible to the Superintendent, school administrators, Desegregation Compliance Officer, and Director of Child Welfare and Attendance.

⁵ The District shall not approve a transfer for immediate enrollment in the *current* school year unless the transfer applicant is a child of a newly hired faculty or staff member or the transfer qualifies as an emergency. The District shall notify the United States of these transfer decisions in the monthly report described in Paragraph II(C)(2)(e).

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- c. The Parties shall use the October 1 student count as the official record of student enrollment and demographics at each school.
 - d. The Superintendent, Desegregation Compliance Officer, and each school principal shall have a continuing obligation to monitor student enrollment to ensure that each student is enrolled consistent with this Order and the District policy. In each monthly transfer report to the United States, the District shall notify the United States of determinations made during that month that a student is enrolled in a school or the District contrary to this Order or District policy.
 - e. On the 15th day of every month, the District shall notify the United States of all transfer decisions (Majority-to-Minority and non-Majority-to-Minority transfers) approved or denied during the previous thirty (30) days. The notice shall include the: name, grade, and race of student; name and address of parent/guardian; reason for transfer; zoned school (if any) and requested school; and reason for approval or denial.
3. **Majority-to-Minority Transfer** (intra-district only). The District shall approve a transfer request of a student residentially zoned for a school in which their race is in the majority to another school in which their race is in the minority.
- a. The District shall create an application specifically for Majority-to-Minority (M-to-M) transfers. The application shall state that free transportation is provided for students enrolled in the M-to-M transfer program. The application shall also state that parents/guardians can submit the application any time before April 1 for enrollment the following school year.

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- b. The District shall consider applications for the M-to-M program immediately and on a rolling basis and notify parents/guardians of the decision within fourteen (14) days of receipt.
- c. An approved M-to-M transfer is valid for the student's entire matriculation at the receiving school (until the student completes the highest grade offered at the receiving school). When matriculating to a new school, parents/guardians of a student on an M-to-M transfer must submit a new transfer application. The District shall notify parents/guardians of this requirement in writing upon acceptance into the M-to-M program and again at least seventy-five (75) days prior to the April 1 application deadline, or by January 16, for their matriculating student.
- d. A student who qualifies for and is granted an M-to-M transfer shall be exempt from any residency requirements and shall be immediately eligible to participate in athletic programs at the receiving school. However, a student may only utilize this athletic eligibility exception once, in the event of a return to the zoned school and initiation of a new transfer covered by this Order.
- e. When a student qualifies for and is granted an M-to-M transfer, the receiving school becomes that student's home school for all purposes, and the District cannot initiate an involuntary return of the student to their residentially zoned school for any reason including discipline. Parents/guardians of students enrolled in the M-to-M transfer program who wish their student to return to their residentially zoned school should notify the Transfer Administrator in writing.

- 4. Other Types of Transfers.** The District shall grant or deny all other (non-M-to-M) transfers consistent with the provisions outlined in this section. In this Order, students who do not reside in Concordia Parish are only eligible to transfer or for admission into the District if they qualify for a “children of employee” transfer defined below.
- a. The District shall create an application for all non-M-to-M transfers. The application shall state that the District will not provide transportation for these transfers. The District shall review the applications for non-M-to-M transfers after the application deadline of April 1 each year.
 - b. By April 15 each year, the District shall electronically submit to the United States a list of all students tentatively approved or denied for all non-M-to-M transfers (intra-district and inter-district). The list shall include: the name, race, address, and grade of each proposed transfer student; the requested basis for the transfer; whether the District recommends the transfer for approval or denial and why; and the names of the sending and receiving schools. The United States shall notify the District if it objects to any of the proposed transfers or request an extension by April 30. If the United States does not raise an objection to any such transfer or request an extension by April 30, then the District may assume that there is no such objection. By May 5, the District shall notify parents/guardians of all transfers not objected to by the United States. The Parties shall initiate the meet and confer process outlined in Paragraph VII(A) within ten (10) business days of the receipt of the United States’ objections. If the Parties do not agree regarding the contested transfers

within thirty (30) days of the United States' notice of objection, either Party may file a motion with the Court.

- c. Special education placement shall be decided by the student's Individualized Education Program (IEP) team and does not require a transfer application.
- d. The District may approve the following types of non-M-to-M transfers with agreement of the Parties or the Court:

- i. *Children of current faculty and staff* (intra-district or inter-district): The Transfer Administrator may approve the transfer request of a child of an employee if the requesting student and employee meet the following requirements: (a) The employee must be a full-time faculty or staff member as defined in this Order; (b) The employee must be the student's custodial parent or legal guardian, and the student's legal residence must be with the employee; (c) The Transfer Administrator may approve transfers to the school where the parent/guardian is assigned as an employee or the nearest school within that school's feeder pattern serving students of the relevant grade; and (d) A child of employee transfer is valid for one year only; a qualifying employee must submit a transfer application for each child by April 1 each year for the following school year.

- ii. *Health or safety reasons* (intra-district): The Transfer Administrator may approve the transfer of a student for the student's health or safety if it is consistent with District policy and this Order. The District shall develop guidelines for transfers based on the safety or health of a student and

shall specify the documentation required to justify such a transfer. The District shall provide the proposed guidelines to the United States for review and comment. The District shall notify the United States of these transfer requests in its April 15 report for enrollment the following school year. For emergency reasons that arise during the school year, the District may authorize said transfers and shall notify the United States of the transfer in the monthly reports. A health or safety transfer is valid for one year only. A parent/guardian must submit an application for each child seeking a health or safety transfer and must do so by April 1 each year for the following school year.

- iii. *Hardship transfers*⁶ (intra-district): The Transfer Administrator may approve a limited number of transfers that do not fall within any other categories, but where the Transfer Administrator believes there are extraordinary circumstances warranting the transfer of that student. The District shall develop guidelines for hardship transfers consistent with this Order and shall provide the guidelines to the United States for review and comment. The Transfer Administrator may request additional documentation related to the need for the transfer. The District shall notify the United States of these transfer requests in its April 15 report for enrollment the following school year. For emergency reasons

⁶ A hardship transfer must be based upon an extraordinary circumstance that relates to the student directly. “Extraordinary” means very unusual, unexpected, exceptional—something beyond the ordinary. Cases meeting all of the following circumstances may support a hardship transfer: (a) The circumstances were unforeseeable, unavoidable, and uncorrectable by or on behalf of the student; (b) The circumstances are not the direct result of actions by the student; (c) The circumstances are unique to the student; and (d) The circumstances have been documented and verified through a procedure and guidelines developed and conducted by the Desegregation Compliance Officer.

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that arise during the school year, the District may authorize said transfers and shall notify the United States of the transfers in the monthly reports.

A hardship transfer is only valid for one school year, and parents/guardians must reapply by April 1 for the following school year.

- e. The Transfer Administrator may approve a transfer request of a K-12 student who moves during the school year or a senior who moves during the year prior to the school year of the targeted graduation date to remain at the current school, if the zoned school based on the new address is different than the current school. The District shall notify the United States of any such transfer decisions in the monthly reports.
 - f. Students who are enrolled in a high school impacted by attendance zone changes in this Order and who are enrolled in grades 10 and 11 (rising juniors and seniors) during the 2024-2025 school year may choose to remain at their 2024-2025 zoned school until the end of the 2026-2027 school year or until they complete grade 12, whichever occurs later. Parents/guardians must inform the District of their desire to exercise this option as soon as practicable after entry of this Order and no later than April 1, 2025.
5. **Policies and Procedures.** The District shall revise its policies and procedures on student transfers to be consistent with the provisions in this Order and submit them to the United States for review and comment within thirty (30) days of the date of this Order. The United States shall submit its comments to the District within thirty (30) days of receipt. If disagreement remains after receipt of the United States' comments, the Parties shall initiate the meet and confer process outlined in Paragraph VII(A).

6. **Transportation.** The District shall provide free transportation to students on an M-to-M transfer.
7. **Outreach.** The District shall conduct outreach to educate students, parents/guardians, and community members about the M-to-M program and the transfer opportunities as follows:
 - a. The District shall take the following steps to increase awareness and interest in the M-to-M transfer program: (1) conduct an annual open house at each zoned school at the beginning of the application window; (2) host an annual virtual webinar on the M-to-M program; (3) post the recording of the webinar or the link to the recording on the District’s website; (4) publish and maintain continuous advertisements on the District’s website and social media pages (as may be available), providing information regarding the M-to-M program; and (5) produce paper flyers providing information regarding the M-to-M program, which shall be mailed with the M-to-M application that accompanies the second quarter report card and also made available at every school and the Central Office. All flyers, advertisements, and webinars shall explicitly state that the District provides free transportation for students participating in the M-to-M program.
 - b. The District shall include information about all available transfers in its student handbooks, including descriptions of each type of transfer, whether transportation is provided, and the application requirements.
 - c. The District shall create and continuously maintain a tab for “student transfers” on the District’s website with links to a page with student transfer information,

including the student transfer policies, procedures, application forms, and a link to submit the application online.

D. Concordia Parish Academy of Math, Science, and Technology

The District shall continue to comply with the terms outlined in the magnet school proposal for the Concordia Parish Academy of Math, Science, and Technology (CPA) approved by the Court in 2012. *See* ECF Nos. 20-2 & 21. In addition to those terms, the District shall implement the following:

1. **Application Requirements.** The only requirement to enroll in CPA is that students must reside in the District. The District shall ensure there are no other requirements to enroll in CPA. The District shall make CPA's application available online on the school and District websites and shall create a link that allows parents/guardians to submit the application online.
2. **Lottery.** The District shall conduct the CPA lottery consistent with District policy set forth in the Court's Orders. *See* ECF No. 20-2.
3. **CPA Policies and Rules.** The District shall take steps to ensure CPA's enrollment policies and attendance rules are reasonable and enforced in a non-discriminatory manner.
4. **Parent and Student Outreach.** The District shall engage in outreach to families concerning the application process and programming opportunities at CPA. The District shall conduct targeted outreach to "ensure the school's demographic is racially diverse" in accordance with the Court's Orders and shall provide training to the Director of CPA on recruitment of a diverse student enrollment at CPA. *See* ECF No. 20-2.

E. Class Assignment

The District shall not assign students to classes in a manner that is racially discriminatory or that has the effect of reinforcing the dual school system.

1. **Class Assignment Policy.** The District shall develop written, District-wide guidance on assigning students to classes in a manner that is compliant with the provisions of this Order. The District shall train all school-level administrators on this guidance annually. The District shall produce a copy of the District-wide guidance to the United States for review and comment within thirty (30) days of the date of this Order. The United States may provide comment to the District within thirty (30) days of receipt of the policies and procedures. If disagreement remains after receipt of the United States' comments, the Parties shall implement the meet and confer process outlined in Paragraph VII(A).
2. **Course Enrollment Form.** Prior to the start of the 2025-2026 school year, the District shall develop District-wide course enrollment forms for junior high⁷ and high school students that reflects a combined list of available courses at each school, including core classes, Honors and AP classes, dual enrollment classes, and electives, noting eligibility criteria where applicable.
 - a. The District shall disseminate the course enrollment forms to students and parents/guardians at least thirty (30) days prior to the start of the course registration process each year and shall also post them prominently on the home page of each school's website and the District's website.
 - b. The District shall revise the forms each year to reflect the upcoming year's course offerings.

⁷ "Junior high" refers to students in grades 6 to 8.

- c. The District shall offer all courses listed on the course enrollment form at each junior high and/or high school, including by sharing teachers between schools as may be needed.
- d. Where it is unworkable for the District to offer a course at a particular school, the District shall offer an interested student the following options for taking the course at a school where the course is offered: (1) where appropriate, transferring to the school where the course is offered on a Majority-to-Minority transfer with transportation provided; (2) travel to another school to take an individual course (providing transportation to the extent practicable and schedule adjustments as needed); and (3) allowing a student to virtually join a course being taught in person at another school to the extent practicable.

III. QUALITY OF EDUCATION

A. Course Offerings and Academic Support Opportunities

The District shall provide all students with access to course offerings and academic support opportunities without regard to race.⁸ Academic support opportunities may, but are not required to, include tutoring opportunities, workshops, bootcamps, and other similar offerings aimed at increasing student academic achievement.

- 1. **Parent and Student Survey.** Before the end of the 2024-2025 school year, the District shall conduct a survey of students in grades 7 to 12 and of their parents/guardians regarding its course offerings and academic support opportunities.
 - a. The survey shall include questions aimed at assessing student interest in Honors, AP, dual enrollment, electives, and courses not offered at the student's school;

⁸ Unique courses and opportunities, such as those offered through themed programs or CPA, shall not be considered to impede the District's compliance with this requirement.

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barriers or concerns with accessing advanced courses and any courses with eligibility criteria; interest in various alternative methods for accessing courses not offered at the student's school and barriers or concerns with accessing any of those methods; interest in various academic support opportunities and methods for offering those opportunities; barriers to participating in the academic support opportunities offered to date such as transportation and timing of offerings (e.g., before, during, or after school; over the summer; or timing during the school year); and supports that would help remove any identified barriers in any of these areas.

- b. The District shall submit the draft surveys to the United States for review and comment by February 1, 2025.
- c. The District shall disseminate the survey to students to be completed during a class period and to parents/guardians via the parent portal and by posting a link on District and school websites.
- d. The District shall develop a plan for improving, and ensuring all students have access to, its course offerings and academic support opportunities that is responsive to the results of the surveys. The plan shall outline goals that will help the District evaluate the plan's success.
- e. The District shall produce the survey results and the plan to the United States for review and comment within sixty (60) days of the survey closing. At the biannual compliance meetings described in Paragraph VIII(D), the United States and the District shall discuss whether the plan has effectively addressed any concerns

raised in the survey results. Where the plan has not met its identified goals, the Parties shall meet and confer to agree on revisions to the plan to meet those goals.

2. Efforts to Increase Access to Courses and Academic Support Opportunities. The

District shall take steps to expand access to and encourage participation in advanced and unique course offerings and academic support opportunities as follows:

- a. To the extent the course continues to be offered, for all students who meet the eligibility criteria for 8th grade Honors Algebra I, provide written notification to students and parents/guardians explaining that the student has qualified to enroll in the course, the course requirements and expectations, and the benefits of enrollment in the course;
- b. Continue to require no eligibility criteria for enrollment in AP classes, if possible given the College Board AP course requirements;
- c. Train academic counselors involved in course selection and academic advisement on revised course enrollment procedures required by this Order;
- d. Ensure ninth grade students at Ferriday Freshman Academy have the same access to the electives offered at Ferriday High School as ninth grade students at the other District schools enjoy at their respective high schools; and
- e. Ensure all students have access to academic support opportunities that is consistent across each District school, including CPA, within the relevant grade band. Any differences in frequency or type of academic support opportunity offerings shall be based on student needs. To promote access to these opportunities, the District shall offer transportation to participating CPA students

and shall offer at least one opportunity after school, on the weekend, and during the school day at each zoned school.

3. **Student and Parent Outreach.** The District shall disseminate information about course offerings and academic support opportunities through the following methods:
 - a. The District shall host annual meetings for all rising junior high and high school students to provide information on course offerings, the course enrollment form, and course registration; explain the benefits of participation in AP, Honors, and dual enrollment courses and the eligibility criteria for each, specifically highlighting where there is no eligibility criteria to enroll or if there are alternative methods to any existing criteria (e.g., parental request); and describe the academic support opportunities generally available to students throughout the year.
 - b. The District shall advertise upcoming academic support opportunities available at any school via the parent portal, posts on the District and school websites, and posts on the District's social media pages, as may be available, noting whether transportation is provided.
4. **Enrichment Time.** The District shall provide uniform and consistent enrichment time offerings at each school for students in grades K-5.

B. Gifted and Talented

The District shall ensure that all students identified as Gifted and/or Talented are served by the District's Gifted and Talented teachers in a non-discriminatory manner.

1. **Identification, Referral, and Evaluation.** The District shall take the following steps to promote student identification, referral, and evaluation for the Gifted and Talented Program:

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- a. Administer two universal screeners to assess students for potential Gifted eligibility in two consecutive grades;
- b. Develop and distribute written materials to parents/guardians each year that describe the Gifted and Talented Program; provide guidance on referrals, including initiating an individual referral and the universal screeners; and describe the evaluation process;
- c. Facilitate presentations to parents/guardians during the first weeks of school, during which the Gifted and Talented teachers shall explain the Gifted and Talented Program, including the referral and evaluation processes; and
- d. At the end of each school year, review the students referred, screened, and ultimately deemed eligible for Gifted and Talented by school, grade, and race; determine whether all eligible students participated in the program and if not, why not; determine whether a different referral, screening, or evaluation process might produce additional enrollment of eligible students, including eligible students of any racial demographic currently underrepresented in the District's Gifted and Talented Program; and if so, develop and implement the revised procedures during the next school year. The District shall provide a copy or description of any revised procedures to the United States by November 15 of each year for review and comment. The District shall be deemed in compliance with this provision if it (1) completes the review and revises its procedures as necessary; and (2) either adopts any recommendations made by the United States as part of the review and comment process or provides a reasonable justification of why implementation of that recommendation is not practicable.

2. **Teacher Offices.** The District shall place at least one Gifted and Talented teacher's primary office at a school located in the Ferriday zone.
3. **Training.** The District shall provide annual training to all faculty, staff, and school administrators that describes: (1) the District's identification and assessment policies; (2) characteristics that may indicate a student is Gifted or Talented; and (3) the legal obligation to refer students for Gifted and Talented screening and provide information to parents/guardians about screening, regardless of a students' race.

C. Discipline

The District shall administer student discipline in a non-discriminatory manner.

1. **Guidelines and Procedures.** The District shall implement its disciplinary policies and procedures, including its Student Code of Conduct, consistently across all schools and programs in the District, including CPA. To clarify its policies, the District shall develop written guidance on the following topics and submit them to the United States for review and comment within ninety (90) days of the date of this Order:
 - a. Consistent documentation and recordkeeping procedures, including definitions for all behavioral infractions, uniform disciplinary referral forms, and recordkeeping requirements specifying what information to record in the database (e.g., which stages of the disciplinary matrix) and requiring a narrative description for each incident;
 - b. A continuum of alternatives to exclusionary discipline (e.g., Positive Behavioral Interventions and Supports (PBIS) and restorative justice practices) and protocols for providing students who experienced exclusionary discipline (e.g., suspension,

expulsion, or referrals to the alternative school) with opportunities to complete academic work and earn credit; and

- c. A bi-annual examination of the District's discipline data disaggregated by type of infraction; school; student race; referring faculty, staff, and/or administrator; and fidelity with the District's disciplinary policy. The protocols shall establish that the District shall use this review to identify any remedial steps that need to be taken, such as targeted professional development for faculty and staff or policy revisions.

- i. To the extent the bi-annual examination identifies instances of racially discriminatory treatment concerning school suspension, expulsion, or alternative school referral of individual students and/or non-compliance by faculty, staff, and/or administrators with the District's Code of Conduct or other disciplinary policies, the District shall take necessary remedial action to correct those concerns. Any additional remedial action shall be voluntary and at the District's discretion.

2. **Amendments to Disciplinary Code.** The District shall notify the United States of any proposed amendments to its Discipline Policy (Student Code of Conduct and Disciplinary Policies and Procedures) at least twenty-one (21) days before presenting the revised policy to the Board. The United States shall have the opportunity to review and comment on the proposed changes and may provide written comments, if any, within fourteen (14) days of receiving notice of the proposed changes.

3. **Annual Training.** The District shall provide annual training to all employees involved in classroom management and/or student discipline, including administrators, faculty, staff, and bus drivers, on the following topics:

- a. The District's disciplinary policies, including its disciplinary matrix and the guidance developed under Paragraph III(C)(1);
- b. Results of the examinations of discipline data conducted by the District under Paragraph III(C)(1)(c);
- c. Classroom management strategies and strategies for responding to behavior, including PBIS policies and procedures, de-escalation tactics, and tools for engaging in exclusionary discipline only after less exclusionary strategies have been tried and demonstrated to be ineffective at modifying student behavior; and
- d. Recognizing biases and limiting their impact on student discipline.

IV. FACULTY AND STAFF

The District shall not operate any schools in a manner that could be perceived as indicating a school is intended for students of one race based on the composition of its faculty, staff, or administrators.⁹ The District shall not discriminate on the basis of race in employment-related decisions, such as hiring, assignment, pay, promotion, demotion, and dismissal.

For purposes of this Order, "faculty" shall be defined as personnel who provide instruction to students and whose position requires certification under state law, whether they are currently certified or not (e.g., teachers, librarians, and counselors); "staff" shall be defined as personnel, including paraprofessionals, who work directly with students and whose position does

⁹ Provisions related to administrators shall be considered by the Court under the "staff" *Green* factor, rather than the "faculty" *Green* factor.

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not require teaching certification under state law; and “administrators” refers to school-level administrators (e.g., principals and assistant principals). When the Order or Appendices use the phrase “faculty and staff” or “faculty or staff,” the phrase shall be deemed to also encompass administrators, unless otherwise specified.

A. Assignment

1. **District-wide Faculty Assignment Goal.** The District shall, to the extent practicable, assign faculty, including newly-hired faculty at each school, in such a manner that would achieve a goal of having the ratio of black-to-white faculty fall within plus or minus fifteen percentage points (+/-15%) of the District-wide ratio of black-to-white faculty for the comparable grade levels served by that school. The achievement of having faculty fall within the +/-15% range is a goal, and failure of a school to achieve the goal shall not be sufficient on its own to prevent achievement of unitary status for this *Green* factor.
2. **Voluntary Transfer Incentives.** The District shall develop and implement a plan to encourage faculty and staff to request voluntary transfers that will aid schools in achieving the +/- 15% goal and the broader requirement that the composition of a school’s faculty, staff, and/or administrators will not indicate that a school is intended for students of one race. The plan may include financial and non-financial incentives, as either are available and appropriate. The District shall draft this plan and submit it to the United States for review and comment by February 1, 2025.
3. **Review of Voluntary Transfer Requests.** Before approving any faculty, staff, or administrator transfer request, the District shall examine whether the requested transfer would impede or enhance the District’s achievement of its desegregation

goals. The District shall decline faculty transfer requests where the transfer would cause either school involved in the transfer to fall outside of the +/- 15% goal or would exacerbate the existing racial identifiability of either school's faculty population if either is already outside of the +/- 15% goal, absent an extraordinary reason to grant the transfer. An extraordinary reason is one that meets academic needs (e.g., a specific certification is required for the position), helps to achieve compliance with another requirement in this Order, or addresses a parent/guardian or student hardship that is not typical (e.g., a teacher's need to be in proximity to a child with a disability or an IEP requirement).

a. **Review Process.** The District shall submit all transfer requests it seeks to grant because of an extraordinary reason, along with written justification, to the United States prior to granting the transfer. The District may submit these transfer requests in a single report submitted on June 1, or it may submit individual transfer requests prior to June 1.

b. **Resolving Objections.** The United States shall respond with any objections to an extraordinary reason transfer request within fifteen (15) days. If the United States objects to a transfer request, the Parties shall initiate the meet and confer process outlined in Paragraph VII(A). If the Parties do not agree regarding the transfer(s) within thirty (30) days of the United States' notice of objection, either Party may file a motion with the Court.

4. **Assignment of Certified Teachers.** The District shall, to the extent practicable, assign faculty at each school so that the percentage of certified faculty at any given school is substantially the same as the District-wide percentage of certified faculty

within the same grade band. Faculty will be considered certified if they are teaching a grade and/or subject that they are certified to teach.

5. **Teacher Qualification Plan.** The District shall create a plan to increase teacher qualifications at schools with the lowest percentages of certified, highly effective, or experienced teachers. The plan shall include proposed steps to (1) increase teacher certification; and (2) support teachers in those schools, including by providing professional development, assigning teacher mentors, and/or pairing teachers. The District shall produce the plan to the United States for review and comment within ninety (90) days of the date of this Order.

B. Hiring

The District shall implement the Faculty and Staff Employment Procedure which is attached to this Order as Appendix B. The Faculty and Staff Employment Procedure provides non-discriminatory written procedures for the hiring of faculty and staff.

C. Recruitment Plan

The District shall implement the Recruitment Plan attached to this Order as Appendix C. The District shall utilize, to the extent appropriate, this plan for recruitment of faculty and staff.

D. Retention Plan

1. **Annual Survey.** No later than April 15 of each year, the District shall conduct an anonymous survey of faculty and staff to collect information on possible causes of attrition, including their experiences in their work environment, whether they feel supported (and if not, what supports would help), and the racial climate in the District. The District shall develop the initial survey and provide it to the United States for review and comment no later than November 15 each year. The District

shall examine the survey results and share the raw survey results with the United States within thirty (30) days of the survey closing.

2. **Retention Plan.** The District shall develop a Retention Plan. The Retention Plan shall address causes of faculty and staff attrition with the goal of improving retention. The District shall develop the Retention Plan based on the results of the annual survey described in Paragraph IV(D)(1), as well as attrition data and information from exit interviews of departing personnel (which the District shall maintain as required by Paragraphs VI(A) and VI(B) of the Faculty and Staff Employment Procedure attached as Appendix B). The District shall share the draft Retention Plan with the United States for review and comment within sixty (60) days of the closing of the survey described in Paragraph IV(D)(1).
3. **Implementation.** Each year, the District shall implement the Retention Plan.
4. **Annual Revisions.** The District shall revise the Retention Plan before the start of each school year based on the results of the annual survey, attrition data, and exit interviews from that school year and provide to the United States any revised copy of the plan. The District shall be deemed in compliance with this provision if it completes the surveys, conducts an internal review of the results, and revises the Retention Plan to include, and if deemed necessary by the District or the Court, address the results and utilization of the surveys.
5. **Support for New Teachers.** The District shall enhance its support for new and newly certified teachers in an effort to improve retention of these teachers.

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- a. The District shall provide a uniform induction program, hosted by the District, covering basics of teaching for new teachers, classroom management, and District expectations.
- b. The District shall apply to and, if selected, participate in the New Teacher Experience program through the Louisiana Department of Education by February 1, 2025.
- c. The District shall, to the extent practicable, provide first-year teachers with District coaches and a more experienced teacher to serve as a mentor, and, also to the extent practicable, provide new teachers with additional planning periods for the purpose of helping support and retain new teachers.
- d. The District shall continue its use of Instructional Leadership Teams at each school. Any difference in the structure of Instructional Leadership Teams between schools shall be based on particular student or faculty needs at that school. The District shall, to the extent practicable, structure the Instructional Leadership Teams at Ferriday High School so that core content teachers at the Ferriday Freshman Academy engage with teachers of grades 10 to 12 at Ferriday High School.

E. District Personnel Policies and Procedures

1. **Policy Review.** The District shall perform a full review of its current personnel policies and procedures concerning the assignment, transfer, hiring, recruitment, and retention of faculty and staff to determine where its policies must be revised in order to be consistent with the terms of this Order. The District shall provide drafts of the proposed personnel policy and procedure revisions or additions to the United States

for review and comment within one hundred and twenty (120) days of the date of this Order.

2. **Anti-Discrimination Policy.** The District's policy review shall include development of a policy prohibiting discrimination, including retaliation and harassment, on the basis of race. The policy shall outline investigation processes and procedures, including reporting and documentation requirements. Documents related to all complaints of discrimination, retaliation, or harassment based on race received by the District or one of its schools shall be maintained for at least three (3) years and throughout the pendency of this desegregation case.
3. **Reductions in Force.** If consolidations, school closures, or other actions resulting from the implementation of this Order or any subsequent order in this matter require and/or result in reductions in force, the District shall dismiss or demote such faculty and staff on the basis of objective, reasonable, and non-discriminatory standards, with consideration for how the dismissals will affect the District's desegregation goals and obligations provided in this Order. The District shall maintain records concerning all such dismissals or demotions for at least three (3) years and throughout the pendency of this desegregation case.

F. Training

1. **Hiring Training.** In February of each year, all District personnel involved in recruitment, hiring, and retention shall undergo training on the following topics:
 - a. Best practices for creating and maintaining a work environment that supports induction and retention of faculty and staff;
 - b. Identifying barriers to recruitment, retention, and advancement of black teachers;

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- c. Working toward achievement of the +/-15% goal, the teacher certification goal, and the desegregation goals of this Order; and
 - d. The District's written hiring procedures, including the Faculty and Staff Employment Procedure and the Recruitment Plan.
2. **Anti-Discrimination Training.** The District shall provide annual training on its Race Discrimination Policies and Procedures and best practices in the area of race discrimination to all District personnel.

V. FACILITIES

The District shall maintain its school facilities so that in no case will the condition of a school's facility indicate that the school is intended for black students or white students. The District shall ensure that all school construction, school consolidation, school renovation, and site selection (including the location of any temporary classrooms) in the District are done in a manner that will not reinforce the dual school system.

A. Existing Facility Deficiencies

1. **Remedying Existing Deficiencies.** The District shall remedy or repair the deficiencies in its facilities identified by the United States during its site visits, prior to the start of the 2025-2026 school year. That list of deficiencies is attached to this Order as Appendix D.
 - a. The District may remedy deficiencies identified in showers by discontinuing use of showers in all District schools, including:
 - i. Disconnecting and/or removing shower plumbing in locker rooms; and
 - ii. Reconfiguring the shower stalls for alternative use or making such modifications to render the shower stalls inaccessible to students.

2. **Reporting.** The District shall prepare a written report stating how each deficiency listed in Appendix D was remedied or repaired before August 1, 2025. This report shall be submitted to the United States. For any deficiencies the District does not or cannot remedy or repair, the District shall provide an explanation of the reasons why the deficiency was not repaired or remedied and the proposed steps and timeline to repair or remedy the deficiency. The United States may provide comment to the District within thirty (30) days of receipt of the report. If disagreement remains between the Parties, the Parties shall implement the meet and confer process outlined in Paragraph VII(A). The District shall file this report with the Court in its annual October 15 report. If disagreement remains between the District and the United States, the District shall note the disagreement in the report to the Court.

B. Ongoing Maintenance Obligations

1. **Access to Facilities.** Once per year, or more often if the Parties mutually agree or receive leave of the Court, the District shall provide the United States and its contractors with access to its schools for the purpose of physically inspecting the facilities, as well as any related documents, to identify any lingering or new deficiencies of comparable magnitude to those identified in Appendix D.

C. Ongoing Duty to Identify and Address Deficiencies

1. The District shall remedy or repair all additional deficiencies identified by the United States or by District faculty and staff. The District shall remedy or repair deficiencies within three (3) months of notice to the District, unless a shorter or longer period is agreed upon between the Parties or a shorter period is required by a public safety official, such as a fire marshal. Prior to April 15 of each year, the District shall report

all identified deficiencies, as well as how they were remedied or repaired, to the Board. For any deficiencies the District fails to remedy or repair, the District shall provide an explanation of the reasons why the deficiency was not repaired or remedied. The District shall also provide its report to the United States in the annual June 1 report. The United States may provide comment to the District within thirty (30) days of receipt of the report. If disagreement remains, the Parties shall implement the meet and confer process outlined in Paragraph VII(A). The District shall file this report with the Court in the annual October 15 report. If disagreement remains between the Parties, the District shall note the disagreement in the report to the Court.

D. Oversight of Facilities and Maintenance

1. **Identification of Responsible Individual.** The District shall designate an individual to be responsible for ensuring compliance with its facilities-related responsibilities in this Order. That individual shall have responsibility for the management and oversight, subject to the supervision of the Board and the Superintendent, of the following:
 - a. Long-term facility and school site planning and identification of funding needs;
 - b. School construction and renovation;
 - c. Building maintenance and custodial services;
 - d. Building furnishings and equipment; and
 - e. Grounds maintenance and environmental safety/code compliance.
2. **Regular Inspections.** The District shall ensure that all District facilities and grounds are inspected and maintained with comparable frequency by appropriate personnel,

i.e., individuals who have appropriate credentials for the relevant job. The District's schedule for inspecting and maintaining facilities and grounds shall consist of inspecting each school at least twice per school year, with inspections occurring prior to the start of each semester. Inspections not recorded by the District shall be deemed not to have occurred.

3. **Responsiveness to Requests.** The District shall respond appropriately and timely to maintenance requests, as well as other facilities-based needs, reported by faculty, staff, administrators, and/or other District personnel. Responses not recorded by the District shall be deemed not to have occurred.
4. **Training.** The District shall provide annual training to all school administrators and their designees, as well as all maintenance and custodial employees, on maintenance practices, including, but not limited to: (1) best practices for identifying maintenance or other facilities issues, including use and operation of the District's electronic reporting system; (2) the reporting process for maintenance requests; (3) appropriate and expected time frames for completing maintenance requests; (4) the types of requests that should be completed by school-based maintenance personnel, Central Office maintenance personnel, or a third-party contractor; and (5) recordkeeping expectations to document the dates on which work is requested and completed.
5. **Recordkeeping.** Twice per year, as part of its biannual reporting requirements, the District shall produce to the United States the records it keeps in the regular course of business that document the maintenance requests it has received through the District's electronic reporting system (SchoolDude), as well as when and how those requests were resolved.

6. **Comprehensive Needs Assessment.** The District shall produce or complete a written, comprehensive District-wide needs assessment at least once before the end of the 2025 calendar year. Each District-wide needs assessment shall identify and consider the facilities-based needs of each school and include consideration of the District's existing desegregation obligations. Each District-wide needs assessment shall be submitted to the United States for review and comment.
7. **Capital Outlay Plans.** The District shall produce all capital outlay plans, describing the District's plan or priorities for facilities improvements/modifications, that are completed during the monitoring period.
8. **Large Facility Expenditures.** The Board shall notify the United States of all construction, maintenance, or renovation projects costing \$150,000 or more, as well as any plans to increase the functional capacity of any particular school, at least forty-five (45) days prior to submitting the project or plan for a Board vote to solicit bids or to obtain final approval to initiate construction of a project that does not require bidding. The Board's notice shall include a description of the project by school name; a description of the anticipated work and anticipated cost; and an explanation regarding the anticipated impact of the construction, maintenance, and/or renovation on the Board's desegregation obligations, specifically describing in detail how the project either furthers or does not impede the desegregation process. If the United States objects to the noticed project, it must provide a written objection to the Board with specific supporting reasons within forty-five (45) days of the Board's notice. In the event such written objection is received, the Parties shall implement the meet and confer process outlined in Paragraph VII(A) and the Board may not go

forward with the noticed project until either the Parties resolve the matter by agreement achieved through good faith negotiations or the Board obtains approval of the Court. In the case of an objection, either Party may seek Court intervention for resolution of the conflict. In the event no written objection is received from the United States within forty-five (45) days of the submission of the notice, any objection shall be waived, and the Board shall notify the Court of such and may petition the Court for an order approving the project. In the event that a motion is filed with the Court seeking consideration of such a matter, the Parties agree to expedited review by the Court.

9. **Use of School Buildings.** Any school facilities that are not assigned students starting in the 2025-2026 school year under the school assignment provisions in Paragraph II(A) shall not be considered vacant and shall not be slated for lease, sale, or use by any other education provider (including charter schools), absent order of the Court.

E. Accessibility and Beautification of Ferriday High School

1. **Accessibility and Beautification.** The District shall renovate Ferriday High School, including (1) making the second floor accessible to all students, to the extent the second floor is used by the District; and (2) beautifying its exterior. Any comments or objections to the District's plan to renovate Ferriday High School, as initially described in the Board's September 12, 2024 meeting, shall be submitted by the United States through the Large Facility Expenditures process described in Paragraph V(D)(8).

F. Access to Instructional Resources

1. The District shall establish a policy for Chromebook usage for students in grades 7 to 12. To the extent that the District continues to have sufficient access to Chromebooks for student distribution, the policy shall ensure that Chromebooks are distributed to each student in grades 7 to 12 on a 1:1 basis and, in any event, shall ensure consistent provision to students across schools, including students' permission to take Chromebooks home. The District shall develop this policy within ninety (90) days of the date of this Order and provide a copy to the United States for review and comment.

VI. EXTRACURRICULARS

The District shall provide all extracurricular activities to students on a non-discriminatory basis. The District shall provide students with equal access to participate in extracurricular activities by ensuring there are no racially discriminatory barriers that would deter or prevent voluntary participation.

A. Annual Survey

1. **Survey Distribution.** By April 15 each year, the District shall develop and distribute an extracurricular survey to all junior high and high school students. That survey shall gauge student interest in various extracurricular activities (with a brief description of the club) or sports. At a minimum, the survey shall: (1) include all extracurricular activities and sports offered at any District junior high or high school; and (2) allow students to propose new activities. The District shall submit the proposed survey to the United States for review and comment no later than November 15 of each year. If disputes regarding the survey content remain, the Parties shall implement the meet and confer process described in Paragraph VII(A). The District shall produce the results of the survey to the United States in the annual June 1 report.

2. **Non-Sport Extracurricular Activities.** Based on the results of the survey, the District shall make a good faith effort to make all non-sport extracurricular activities available, to the extent practicable, to all students who have expressed an interest in the activity, subject to the District's requirements for clubs and activities. Good faith efforts will include promoting and advertising new activities to connect interested students, requesting and locating a sponsor, and removing any barriers to participation, including continuing to provide transportation for CPA students to home schools and alternatives to financial costs, to the extent practicable.
3. **Sports.** If at least 10 students express an interest in a sport not currently offered at their school, the District shall: (1) assess the cost of offering this sport, including costs for fields, maintenance, uniforms, equipment, coaching staff, and transportation costs for practices and games; (2) survey faculty and staff to determine if a current employee is available to serve as coach and, if none are available, consider hiring options; and (3) if not cost prohibitive and if there is sufficient student interest to constitute a team, implement steps to offer the sport for the following season. In consideration of the overall cost for a sport with sufficient committed student participation or if the number of students committed to participating is not sufficient, the District has the discretion to decline to offer the requested sport and, upon such a decision, shall inform the interested students and the United States. For the United States, the District shall include the reasons the sport will not be offered.

B. **Extracurricular Expenditures**

1. By February 1, 2025, the District shall conduct an analysis of its spending on extracurricular activities and sports by each activity at each school over the

2022-2023 and 2023-2024 school years, including the total amount of spending, total number of participants, and type of expense. The District shall produce this analysis to the United States upon completion.

2. By June 15, 2025, the District shall develop clear guidelines for District spending on sports and extracurricular activities. The guidelines shall include how the District will ensure that District spending (excluding funds from non-District boosters or private donations) is comparable across schools based on various metrics (e.g., type of activity, number of participants). The District shall submit the guidelines to the United States for review and comment. If disagreement remains after receipt of the United States' comments, the Parties shall implement the meet and confer process outlined in Paragraph VII(A).

VII. MEET AND CONFER

A. If disagreement remains after a period of review and comment or after the Parties have completed the outlined steps in the relevant section, the Parties shall implement the following process prior to seeking Court intervention:

1. **Notice.** The District shall notify the United States in writing of the continued disagreement within ten (10) days of receipt of the United States' comments.
2. **Meeting.** The Parties shall schedule a meeting within ten (10) days of receipt of the notice of disagreement to try and resolve the disagreement and shall continue to meet and discuss potential resolutions.
3. **Notice to District or Court involvement.** Unless otherwise specified in this Order or agreed upon by the Parties, if the Parties have not resolved the