

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

MONROE DIVISION

JIMMY ANDREWS, ET AL.

CIVIL ACTION NO. 65-11297

VERSUS

JUDGE ROBERT G. JAMES

CITY OF MONROE, ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On August 30, 2010, the Monroe City School Board (“MCSB”) filed a Motion for Relief from Judgment or to Clarify Obligations Imposed by this Court Relative to the Transportation of the Monroe City School District [Doc. No. 26]. In the motion, MCSB explains that, under La. Rev. Stat. 17:158(A)(1), it is required to transport non-public school students to a “school of suitable grade.” Under its interpretation of this statute, MCSB believes that it is required to transport students to the school of their choice, whether private, parochial, or charter, as long as (1) the school operates in the City of Monroe; (2) the school does not discriminate on the basis of race, color, creed, or national origin; and (3) the student seeking transportation lives more than one mile from the school.

MCSB also operates under a federal desegregation decree which regulates the transportation of students. At present, MCSB contends that transportation of non-public students is “inconsequential” to operations and does not have an adverse impact on desegregation efforts. However, MCSB seeks an order from the Court clarifying its transportation obligations under La. Rev. Stat. 17:158(A)(1).

On September 2, 2010, the Court issued a minute entry [Doc. No. 27] explaining that the

Court does not believe that a modification to the desegregation decree is necessary in this case. Instead, it is the opinion of the Court that MCSB has a duty to comply with state law unless or until its compliance is in conflict with its desegregation obligations. The Court ordered any party who had an objection to MCSB's intent to provide transportation to non-public students in compliance with La. Rev. Stat. 17:158(A)(1), to file an opposition memorandum within ten (10) days. The parties were informed that if no memorandum were filed, an order granting the motion would issue.

As of this date, more than ten (10) days from the filing of the Court's minute entry, no opposition memorandum has been filed by any party. Accordingly,

IT IS ORDERED that MCSB's Motion for Relief from Judgment or to Clarify Obligations Imposed by this Court Relative to the Transportation of the Monroe City School District [Doc. No. 26] is GRANTED. MCSB shall comply with the provisions of La. Rev. Stat. 17:158(A)(1) with regard to transportation of non-public school students unless or until its compliance conflicts with its duties under federal desegregation law.

MONROE, LOUISIANA, this 15th day of September, 2010.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE