

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

WESTERN DISTRICT OF LOUISIANA
FILED
AUG 1 1969
ALAN J. GIBSON, CLERK

UNITED STATES OF AMERICA

FILED: _____

VERSUS, CIVIL ACTION NO. 14429

MOREHOUSE PARISH SCHOOL BOARD, ET AL. _____
CLERK OF COURT

FINDINGS OF FACT, CONCLUSIONS AND DECREE

This cause having come on for hearing this date and all interested persons being represented by counsel, the following facts were found by this Court:

The Morehouse Parish School Board, a State of Louisiana governing body of the schools and education within the boundaries of Morehouse Parish, Louisiana, was made defendant in this action filed on February 10, 1969. This Court ordered the School Board to file a plan of desegregation on or before July 5, 1969, which was done. The Department of Health, Education and Welfare, upon orders of this Court, also worked with the School Board and made certain suggestions concerning specifics. The plan filed by the School Board is in compliance with the orders of this Court, and with the mandate of the Fifth Circuit Court of Appeals of May 28, 1969.

IT IS THEREFORE ORDERED AND DECREED that the plan filed in this record by Morehouse Parish School Board on July 5, 1969, as supplemented, is approved, and the Morehouse Parish School Board is hereby instructed to immediately initiate such program in its entirety, especially for terminal and full integration of all schools in its system beginning with the school year 1970-1971. It is further ordered that a detailed plan of total desegregation of the entire system so as to make the school system a unitary one beginning with the school year 1970-1971 be filed with this Court on or before February 1, 1970, with a copy to the U. S. Attorney General, Washington, D. C.

1.

PROTECTION OF PERSONS EXERCISING
RIGHTS UNDER THIS DECREE

Within their authority, school officials are responsible for the protection of persons exercising rights under or otherwise affected by this decree. They shall, without delay, take appropriate action with regard to any student or staff member who interferes with the successful operation of the provisions of this decree. Such interference shall include harassment, intimidation, threats, hostile words or acts, and similar behavior. If officials of the school system are not able to provide sufficient protection, they shall seek whatever assistance is necessary from other appropriate officials.

2.

TRANSFERS

(a) Majority to Minority Transfer Policy. The defendants shall permit a student (Negro or white) attending a school in which his race is in the majority to choose to attend another school where space is available and where his race is in a minority.

(b) Transfers for Special Needs. Any student who requires a course of study not offered at the school to which he has been assigned may be permitted, upon his written application at the beginning of any school term or semester, to transfer to another school which offers courses for his special needs.

(c) Transfers to Special Classes or Schools. If the defendants operate and maintain special classes or schools for physically handicapped, mentally retarded, or gifted children, the defendants may allow children to transfer to such schools or classes on a basis related to the function of the special class or school. Provided that no such transfers shall be made on the basis of race

or color or in a manner which tends to perpetuate a dual school system based on race or color.

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

3.

TRANSPORTATION, SERVICES,
FACILITIES, ACTIVITIES
AND PROGRAMS

No student shall be segregated or discriminated against on account of race or color in any service, facility, activity, or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by the school in which he is enrolled. A student attending school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer or newly assigned student. All school use or school-sponsored use of athletic fields, meeting rooms, and all other school related services, facilities, activities, and programs such as commencement exercises and parent-teacher meetings which are open to persons other than enrolled students, shall be open to all persons without regard to race or color. All special educational programs conducted by the

defendants shall be conducted without regard to race or color. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

4.

SCHOOL EQUALIZATION

(a) Inferior Schools. In schools heretofore maintained for Negro students, the defendants shall take prompt steps necessary to provide physical facilities, equipment, courses of instruction, and instructional materials of quality equal to that provided in schools previously maintained for white students. Conditions of overcrowding, as determined by pupil-teacher ratios and pupil-classroom ratios shall, to the extent feasible, be distributed evenly between schools formerly maintained for Negro students and those formerly maintained for white students. If for any reason it is not feasible to improve sufficiently any school formerly maintained for Negro students, where such improvement would otherwise be required by this paragraph, such school shall be closed as soon as possible, and students enrolled in the school shall be reassigned so as to promote desegregation. By October of each year, defendants shall report to the Clerk of the Court pupil-teacher ratios, pupil-classroom ratios, and per-pupil expenditures both as to operating and capital improvement costs, and shall outline the steps to be taken and the time within which they shall accomplish the equalization of all schools.

(b) Remedial Programs. The defendants shall provide remedial education programs which permit students who have previously attended segregated schools to overcome past inadequacies in their education.

5.

NEW CONSTRUCTION

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in this parish shall be done with the objective of eradicating the vestiges of the dual system, and so as to prevent the recurrence of the dual school structure.

6.

DESEGREGATION OF FACULTY AND OTHER STAFF

The Parish School Board shall announce and implement the following policies:

1. The principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned for the school year 1969-70 and subsequent years that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school and the ratio of other staff in each are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

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

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color, or national origin, except to the extent necessary to correct discrimination.

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

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

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

7.

REPORTS TO THE COURT

The defendants shall submit to this Court, and serve copies upon each party, the following reports in accordance with the dates indicated:

A. On or before September 1, 1969, and on or before May 1 of each subsequent school year:

1. The name, race, and grade or subject taught of each teacher proposed to be employed for the following school year, by school.
2. The name, race, and grade or subject taught by each teacher then employed (or for the September 1, 1969 Report, those who were employed for the 1968-69 school year) whom defendants propose not to re-employ for the next school year and the reasons therefor.
3. Anticipated enrollment by grade and race for each school for the next school year.
4. Anticipated attendance zones for each school for the next school year (as reflected on a map of the school district).

B. On or before October 1, 1969, and on or before October 1 of each subsequent school year:

1. The name, race, and grade or subject taught for all teachers employed the previous school year but not re-employed for the current school year, and the reason for their termination.
2. The name and race of the teachers employed as replacements for the teachers listed in sub-paragraph (1) above. (Indicate if transferred from another school in defendants' district).
3. The number of vacancies created by expansion of faculties or staff, and the name, race and grade or subject taught by each teacher employed to fill such vacancies.
4. Enrollment in each school by grade and race.

C. At the time any proposal for site acquisition, new construction or expansion (including the use of portable or temporary classrooms) is submitted to the defendant school board for consideration:

1. The exact location and nature of the proposed site acquisition, new construction or expansion.

2. The grade levels to be served by the proposed structure, and the anticipated number and race of the students to be assigned.
3. The action taken by the board pursuant to the submitted proposal and the anticipated dates for: (1) preliminary architectural plans, (2) final plan, (3) construction bids advertised and accepted, (4) site preparation and (5) construction undertaken.

8.

PLAN IMPLEMENTATION

Successful implementation of this desegregation plan largely depends upon local leadership and good faith in complying with the mandates of this Court and the laws upon which this Court acts. The following suggestions are offered to assist local officials in the implementation of this Decree.

Community

1. The Superintendent and School Board should frankly and fully inform all citizens of the community about the legal requirements for school desegregation and their plans for complying with these legal requirements.
2. The School Board should issue a public statement clearly setting forth its intention to abide by the law and comply with orders of this Court in an effective and educationally responsible manner.
3. School officials should seek and encourage support and understanding of the press and community organizations representing both races.

4. The School Board or some other appropriate governmental unit should establish a biracial advisory committee to advise the Board of Education and its staff throughout the implementation of the desegregation plan. Such committee should seek to open up community understanding and communication, and assist the Board in interpreting legal and educational requirements to the public.
5. The Superintendent should actively seek greater involvement of parents of both races through school meetings, newsletters, an active and biracial P.T.A., class meetings, parent conferences, and through home visits by school personnel.
6. The Superintendent and School Board should regularly report to the community on progress in implementing the desegregation plan.

School Personnel

1. The Superintendent should provide all personnel copies of this desegregation plan and arrange for meetings where the personnel will have an opportunity to hear it explained.
2. The School Board should issue a policy statement setting forth in clear terms the procedures it will follow in reassignment of personnel (see section on Desegregation of Staff).
3. Assignments of staff for the school year should be made as quickly as possible with appropriate followings by school principals to assure both welcome and support for personnel new to each school. Invitations to visit school before the new school year begins should be offered.
4. The Superintendent should see that a special orientation program is planned and carried out as both the professional and non-professional staffs (including bus drivers, cafeteria workers, secretaries and custodians) preparatory to the new school year. He should make every effort to familiarize new and reassigned staff with facilities, services and building policies and prepare them to carry out their important role in a constructive manner. The Superintendent should direct each principal to see that each teacher new to a school is assigned for help

and guidance to a teacher previously assigned to that school. Each such pair of teachers should have an opportunity to meet before the school year actually begins.

5. The Superintendent should arrange an in-service training program during the school year to assist personnel in resolving difficulties and improving instruction throughout the implementation period. Help in doing this is available from the Educational Resource Center on School Desegregation at Tulane University.
6. It is important that, through personal observations, students see that non-professional service positions in their schools are not for members of one race and that harmonious working relationships can exist between members of both races. The Superintendent and Board of Education should therefore take all necessary steps to assure that all staffs are biracial.

Instructional Program

1. Each principal should be required to appoint biracial faculty committees to study and, as necessary, revise each area of the curriculum to assure better learning opportunities for all students. This should become a continuous activity in each school and throughout the district.
2. Student evaluation policies and procedures should be reviewed continuously for areas in need of improvement and adjustment to encourage the educational growth and motivation of students.
3. Remedial programs in reading and mathematics skills, as appropriate, should be introduced and/or expanded for all students in need of special help. Such program should supplement regular course offerings and assignments of students.
4. Participation in extracurricular activities by students of both races should be actively encouraged by administrators and teachers as a means for developing school spirit and a feeling of belonging.

5. School organizations - student government, cheerleaders, musical organizations, athletic teams must be operated on a non-discriminatory basis and should include students of both races.
6. Guidance counselors should be oriented and urged to play a leading role in successful implementation of the desegregation plan.
7. The curriculum should be reviewed and, as necessary, revised to provide recognition of Negro history, culture and contributions to our society. Library books which deal with such subjects should be added to school book collections.
8. Vocational education offerings should be reviewed and improved as a means of providing students of both races with education relevant to vocational interests and as a means of reducing dropouts.
9. Headstart or similar preschool programs for children of both races should be implemented.
10. Use of Federal and State education funds should be planned comprehensively for maximum educational benefit to all eligible children.

Students

1. The Superintendent should direct each principal to hold special orientation programs welcoming students who will be new to a school, before the regular school year begins.
2. The Superintendent should require each principal to see that students are frankly and fully informed about the desegregation plan and their responsibilities to help carry it out. Each principal should seek to establish rapport and communication links with new students to encourage mutual understanding and confidence.
3. The Superintendent should direct each principal to establish a student-faculty human relations committee representing both races to aid in the successful implementation of desegregation.

4. All school staff and members of the student body should exert extra effort to assure the full participation of all students of both races in extra-curricular programs, including when appropriate the provision of a "late bus" for those staying after school to participate in such programs.
5. Each principal should request teachers to make themselves available to students outside of regular class for counseling and extra instructional help.

9.

The portion of the plan of the School Board encompassing a division in specific schools of students on the basis of sex is approved during the transition period of the school year 1969-70.

Done this 1st day of August, 1969 in Chambers by agreement of counsel.

Ben C. Dawkins
J U D G E