

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

Monteilh

Civil Action No. 6:65-10,912

versus

Judge Tucker L. Melançon

St. Landry Parish School Board

**ORDER**

On April 4, 2008, the Court received a telephone call from the St. Landry Parish School Board attorney of record, A. Gerard Caswell. Mr. Caswell advised the Court that he had been instructed by unanimous vote of all school board members present at the April 3, 2008 School Board meeting to request that the Court meet with Superintendent Michael Nassif, School Board President John Miller, School Board Vice-President Kyle Boss and him. The purpose of the proposed meeting, being to discuss the status of South Street Elementary and its inclusion in a list of schools whose principals the School Board previously authorized Superintendent Nassif to transfer at the beginning of the 2008-2009 school year to comply with the oral order of the Court given at the January 23, 2008 on-the-record status conference, which all members of the St. Landry Parish School Board attended.

As a result of the foregoing, it is

ORDERED that the St. Landry Parish School Board's request for the Court to meet with Superintendent Nassif, School Board President Miller, School Board Vice-President Boss and Attorney Caswell is DENIED. It is

FURTHER ORDERED that the thirteen members of the St. Landry Parish School Board be present in open court on the 28<sup>th</sup> day of April, 2008 at 11:00 a.m. for the Court to assign principals for the 2008-2009 school year consistent with the Court's oral order at the January 23, 2008 status conference. It is

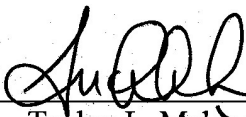
FURTHER ORDERED that Superintendent of Schools, Michael Nassif, and his senior level staff, as well as all attorneys of record be present at the April 28, 2008 hearing. It is

FURTHER ORDERED that a copy of pages 20-23 of the transcript of the transcript of the January 23, 2008 status conference be attached to the original of this order and that the Clerk of Court serve a copy of the order and transcript excerpts on each member of the school board by U.S. Mail. It is

FURTHER ORDERED that each member of the St. Landry Parish School Board read page 20, line 2 through page 23, line 6 of the transcript excerpts prior to the April 28, 2008 hearing. It is

FURTHER ORDERED that the St. Landry Parish School Board place a copy of this order and transcript excerpts on the School System's website forthwith, [www.slp.k12.la.us](http://www.slp.k12.la.us).

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 11<sup>th</sup> day of April, 2008.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE

1 the report.

2 THE COURT: All right. Well, I can't wait to see how  
3 that's going, and I'm sure the government will look on that with  
4 interest, too, but to go back to where you were headed, this  
5 issue of principals, now this was one that very candidly -- and  
6 the school board should remember it. It's in the record here.

7 I told them two conferences ago or three conferences  
8 ago that we had gotten the easy *Green* factors out of the way.  
9 The heavy lifting -- my words -- were these other *Green* factors,  
10 the most difficult being the student assignment and facilities,  
11 but these other ones are a lot more difficult than transportation  
12 and extracurricular. Those are the ones you usually knock off  
13 first.

14 Part of the heavy lifting was you have in your parish,  
15 based on the government's assertions and the information that's  
16 been submitted to the Court, African-American principals or  
17 Caucasian principals at schools that have been historically  
18 African-American or were historically African-American or  
19 Caucasian schools.

20 And I made the point -- I said this in this courtroom.  
21 It does not matter that you may even have more African-American  
22 principals than you have Caucasian principals because it was real  
23 close and it's been back and forth maybe. The idea is if you  
24 have African-Americans at historically African-American schools  
25 and Caucasians at historically Caucasian serving as principals,

1 that's against the law, period.

2 Now, Ms. Taylor, have I said that as succinctly as I  
3 could or succinctly enough?

4 MS. TAYLOR: Yes, Your Honor.

5 THE COURT: Have I misstated what the government's view  
6 and the original plaintiff's view is?

7 MS. TAYLOR: No, you have not, Your Honor.

8 THE COURT: And this is an issue that we've been  
9 discussing for about two years, and we were trying to give the  
10 school system the opportunity to get through a few other issues  
11 before we came down to the principal issue. Isn't that true?

12 MS. TAYLOR: Yes, Your Honor. And, in fact, given that  
13 they're taking such a long time, it may be in the interest of  
14 justice for the United States to pick the principals and where  
15 they should be assigned. We are reluctant to do that because we  
16 expect the administrators to know what's best for their school  
17 system, but if they fail to do so, then we can do that for them.

18 THE COURT: Let me tell you what. This is another  
19 order, Mr. Nassif, Superintendent Nassif. I'm going to order you  
20 to go through your roster of principals, to consult with  
21 Mr. Caswell and whatever other members of your senior staff, and  
22 you go ahead and you place the bodies that will be compliant with  
23 the law that make the most educational sense.

24 The first thing you've got to be is constitutional.  
25 The next thing you've got to do is make sure that it makes

1 educational sense, and then make sure Mr. Caswell, in his view,  
2 that it meets constitutional muster. You and your senior staff  
3 figure out who ought to go where and then you make that  
4 recommendation to this school board. If you can't get seven  
5 votes, I'll let Ms. Taylor do it. They'll pick the principals  
6 for the school board if they want to sit on it, if they don't  
7 have the guts to do what the law calls for.

8 But I want that done, Superintendent Nassif. I want  
9 that to be presented to the board in its March meeting so the  
10 principals for next year will know where they're going to be, and  
11 if they don't like it, they can't take the change or if it's too  
12 much of a change at the stage of their career and they want to  
13 retire, they can let you know hopefully timely enough and you can  
14 get other principals if that's what it takes.

15 Now, you know, I said something at the last meeting  
16 here on December 6<sup>th</sup>. I hate it. And those of you on the school  
17 board who have gotten to know me over the last seven years, you  
18 know this isn't the way I've operated in this case even though  
19 I've been accused of being high-handed and a bunch of other  
20 things by a lot of folks, but, by God, enough is enough. It's  
21 over with. If y'all can't do it, I'm going to do it.

22 And like I said at the last meeting, this is back to  
23 the future. We're going back to the 70's, what federal judges  
24 had to do in school board cases and desegregation cases. You  
25 want to see? I'll show you. And if you can get seven of you to

1 go vote to appeal, go appeal and go spend about 18 months and how  
2 many thousands of dollars paying Mr. Caswell and come on back  
3 here and then do what I told you to do. You can do that because  
4 this is not new law. This is hornbook stuff. This is stuff that  
5 most of the rest of the country can't even believe is going on  
6 anymore. I mean, I don't understand.

7 Go ahead, Ms. Taylor.

8 MS. TAYLOR: Yes, Your Honor. And just previously  
9 before I reported to the Court, I did receive a complaint about  
10 the board's interference with hiring which has been an issue that  
11 we have addressed recently in the past. The complaint was that  
12 the board was attempting to develop a description of the hiring  
13 position and then pick the person for the hiring position.

14 THE COURT: Wait. Excuse me. You said this -- how is  
15 that coming about? Was this an individual board member?

16 MS. TAYLOR: No. This was a non board member, non  
17 school official who was aware of this, attended a board meeting  
18 and was aware of what was going on. Now, to be fair to  
19 Mr. Caswell, he did stop it, but our concern is one of intent.

20 THE COURT: Okay. But wait. Help me again because I'm  
21 missing something here. We've got a non board member that  
22 reported to the government that something was going on?

23 MS. TAYLOR: Yes.

24 THE COURT: What was the report?

25 MS. TAYLOR: The report was that the board was