

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

MARILYN MARIE MONTEILH, : DOCKET NO. 65-10912  
 :  
 Plaintiff, :  
 vs. : September 20, 2007  
 :  
 SCHOOL BOARD OF ST. LANDRY PARISH, :  
 :  
 Defendant. : Lafayette, Louisiana

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REPORTER'S OFFICIAL TRANSCRIPT OF THE STATUS CONFERENCE  
BEFORE THE HONORABLE TUCKER L. MELANCON  
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

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REPORTED BY:

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## P R O C E E D I N G S

(Call to order of the court.)

THE COURT: Good morning. Please be seated.

You know, it's a pretty auspicious way for me to start something, but I'm going to ask the two ladies that didn't have the respect for the Court when the Judge came in to never, ever not stand again or they will be permanently barred from this courtroom or they might be held in contempt of court. It's not about Tucker Melancon. It's about a United States District Court, ladies. Nobody, nobody is above the law. Please don't forget that.

Like I say, I apologize for that, but there's a certain amount of decorum that need be held and it's certainly not in the spirit of which I called this meeting here today as I hope will be evident from what I'm about to say.

The matter before the Court is a status conference that was set by order dated September 14<sup>th</sup>, 2007, which is Record Document 168. First of all, I'd like to tell everybody good morning and to go ahead and thank you for being here on relatively short notice.

Our conference today will not proceed as the previous status conferences that we've had in the past with the lawyers making reports and asking and answering questions and school board members asking questions or making comments.

Today's conference will be from the Judge's perspective

1 of where it is that we are in this 42-year-old school  
2 desegregation case and how we will proceed going forward now that  
3 the board has selected a permanent superintendent.

4 I also intend to make a few comments and observations  
5 about events that have occurred since our last quarterly status  
6 conference on March the 15<sup>th</sup>, 2007. For that reason I would  
7 request that Mr. Caswell secure and that Superintendent Nassif  
8 place on the school board website a transcript of this status  
9 conference in order for anyone who chooses to to read what the  
10 judge had to say about the case and give them the opportunity and  
11 ability to do so.

12 Now, with that, I would ask, first of all, that the  
13 lawyers involved in the proceeding identify themselves for record  
14 purposes.

15 MS. TAYLOR: Good morning, Your Honor. Lisa Taylor  
16 representing the United States with an office in D.C. In  
17 addition to myself today, I do have Ms. Ann Deardorff who is a  
18 paralegal specialist for St. Landry Parish.

19 MS. VINCENT: And, Your Honor, also for the United  
20 States, Katherine Vincent from the U.S. Attorney's Office.

21 THE COURT: And I see -- paralegal you said is Ms. --

22 MS. TAYLOR: Ms. Ann Deardorff, Your Honor,  
23 D-E-A-R-D-O-R-F-F.

24 THE COURT: Thank you.

25 MR. CASWELL: Good morning, Your Honor. Gerard Caswell

1 representing the St. Landry Parish School Board.

2 THE COURT: All right. And I note for the record that  
3 Mr. Marion Overton White is not here. He contacted my chambers.  
4 I think he's on his way, but running late.

5 Now, with that, I would ask that the members of the  
6 school board -- and I'd like to start first with the president,  
7 then the vice-president and then we can go down in whatever order  
8 we find the rest of them after that -- to identify themselves for  
9 the record.

10 MS. EAGLIN: Good morning, Your Honor. Elinor Nacoste  
11 Eaglin representing District 2, President of the Board.

12 MR. MILLER: Good morning, Your Honor. John Miller,  
13 Vice-President, District 3.

14 MR. FRUGE: Good morning, Your Honor. Harry Fruge  
15 representing District 13.

16 MR. RICHARD: Scott Richard, District 9.

17 MS. FRANK: Good morning. Josie Frank, District 12.

18 MR. CARRIERE: Ronald Carriere, Board Member,  
19 District 6.

20 MR. DEVILLE: Dillard Deville, District 4.

21 MR. YOUNG: Roger Young, District 11.

22 MR. BOSS: Kyle Boss, District 8.

23 MR. WYBLE: Huey Wyble, District 7.

24 MR. RICHARD: Quincy Richard, District 10.

25 MR. STANDBERRY: Anthony Standberry, District 1.

1 MR. BUDDEN: Marx Budden, District 5.

2 THE COURT: All right. Thank you.

3 And now I'd like to have the superintendent introduce  
4 himself and those of his senior level staff that are here as  
5 required by the order setting the conference.

6 SUPERINTENDENT NASSIF: Good morning, Your Honor.  
7 Thank you for having us here today. My name is Michael Nassif.  
8 I am the Superintendent of Schools for the St. Landry Parish  
9 School Board.

10 With me today we have Mr. Aaron Washington, Director of  
11 Special Education. Next to him is Mr. Randy Manuel, Director of  
12 Finance. Mr. Clifton Carmon, Director of Federal Programs and  
13 Title I. Mr. Rusty Moody, Assistant Superintendent of Operation.  
14 Mr. Joseph Cassimere, Assistant Superintendent of Instruction.  
15 Mr. Edward Brown, Supervisor of Child Welfare and Attendance.  
16 And in the audience we have Mr. Joe Guillory who works in special  
17 ed also.

18 THE COURT: Okay. Thank you, sir.

19 Now, let me start by saying, first of all,  
20 congratulations to Mr. Nassif. And I want the school board  
21 members to know and those of you here to know that I've had the  
22 opportunity to meet with Superintendent Nassif on several  
23 occasions since he was appointed interim superintendent as we  
24 continued to work on issues in this case.

25 Quite frankly, I am impressed with him. I think you

1 board members are to be congratulated. I believe -- and we will  
2 all know for sure soon enough -- you have selected a strong  
3 leader.

4 I was also impressed to see the public support that was  
5 generated on Mr. Nassif's behalf at the meeting when the school  
6 board approved his contract. It was most notable to me that all  
7 three teacher organizations, no small accomplishment in and of  
8 itself, enthusiastically supported the new superintendent.

9 Over the past six and one half years since I began  
10 active management of this case, you have all come -- all become  
11 familiar with what has come to be known in the law as the Green  
12 factors, the six areas in which a school system must achieve  
13 unitary status before a school system may be declared unitary.  
14 Those six areas are extracurricular, transportation, personnel,  
15 quality of education, facilities, and student assignment.

16 Now, in this case the St. Landry Parish School System  
17 has met or partially met extracurricular and transportation.  
18 They actually have met those. On personnel, they have been  
19 partially met, and the areas in which personnel have been met are  
20 in the areas of teachers or of faculty. Remaining personnel  
21 issues are for principals and support staff.

22 Extracurricular and transportation have been met as I  
23 said. These two Green factors are generally thought of as the  
24 easiest Green factors to achieve. Personnel is generally  
25 considered a moderately difficult factor to achieve. The Green

1 factors that remain are quality of education, student assignment  
2 and facilities.

3           Quality of education is generally thought of as  
4 moderately difficult while student assignment and facilities are  
5 generally thought of as the most difficult to achieve. In the  
6 case of the St. Landry Parish School System, because of the  
7 geography of the parish and the location of the existing  
8 facilities, student assignment and facilities are inextricably  
9 intertwined.

10           As to quality of education, the biggest remaining issue  
11 to be resolved to achieve unitary status under this factor is the  
12 disproportionality between African-American and Caucasian  
13 students with special needs.

14           Superintendent Nassif has attempted to address that  
15 issue as part of the reorganization plan that he has submitted to  
16 the school board for approval. I hope that that plan will be  
17 acted on quickly by the board in order for us to move forward on  
18 this Green factor as expeditiously as possible.

19           Now, I am loath to do as I did in the past, for good  
20 but possibly unrealistic reasons, make a prediction as to when  
21 the remaining Green factors might be met. As I said, these  
22 factors generally are deemed the most difficult to achieve,  
23 student assignment and facilities.

24           Superintendent Nassif in his brief tenure since being  
25 appointed interim superintendent with the able assistance of

1 counsel has gone a long way in establishing the good faith  
2 element with the Court that is an absolute requirement before any  
3 school system in a school desegregation case such as this may be  
4 declared unitary.

5 He and the staff he has chosen or will choose to assist  
6 him to address the remaining issues have the hard part of this  
7 case before them. Then it will be the school board's turn to  
8 demonstrate its good faith in implementing the recommendations of  
9 the superintendent that should be educationally sound, but must  
10 be -- and I repeat for emphasis -- must be constitutional.

11 At this juncture in this case with the heavy lifting  
12 that remains to occur, I do not believe that reinstating regular  
13 quarterly status conferences is the best use of school board  
14 members', Superintendent Nassif's and his staff's, the lawyers'  
15 or the Court's time, and future status conferences will not be  
16 rescheduled at this time. Rest assured that Superintendent  
17 Nassif and staff as he directs and the lawyers will be working on  
18 the case and the judge will be at their disposal when they deem  
19 it necessary or advisable.

20 At previous quarterly status conferences I have  
21 provided each school board member with copies of Louisiana  
22 Revised Statute 17:81 and 17:95 concerning the authority and the  
23 duties of the school board and the authorities and the duties of  
24 the superintendent under Louisiana law. I do not mean to belabor  
25 that point, I truly don't, but I urge each school board member



1 most sincerely to remember that the school board's job is to set  
2 policy and to hire a superintendent to run the system  
3 implementing the policies that the board has adopted; that you  
4 have hired in Superintendent Nassif by a twelve to one vote a  
5 professional and an educator to run the system.

6           Please -- and I say that with great effort and respect  
7 for each of the 13 of you and the offices that the public has  
8 entrusted you to hold for the next three and a half years -- let  
9 Superintendent Nassif run the system. Don't try to micromanage  
10 him.

11           As I said earlier, I set this status conference after I  
12 read the newspaper account of and talked to several people who  
13 actually attended your September 13<sup>th</sup> meeting. I realize that  
14 while I tend to be an optimist, a glass half full type of person,  
15 one school board meeting did not heal the divisiveness that  
16 existed on the school board since this board assumed office in  
17 January, but it was a start, a really good start.

18           I commit to each of the 13 of you, members of the  
19 school board, to the citizens of St. Landry Parish and to the  
20 children who are the school system's students to devote my full  
21 attention and energy consistent with my oath of office to assist  
22 the lawyers in the case, Superintendent Nassif and the school  
23 board to remove the federal yoke, again, consistent with my oath  
24 of office, from the neck of the St. Landry Parish School System  
25 as soon as possible.

1           With this hope for healing and new spirit in mind,  
2 looking to the future, not the past, with trust that the  
3 divisions that have existed on the school board can be resolved  
4 by people of good faith quickly and as completely as possible, I  
5 am going to request that further investigation into the matter of  
6 Josie G. Frank be discontinued and that Chief Judge Richard T.  
7 Haik, Sr., dismiss with prejudice the criminal contempt charges  
8 that were lodged against her.

9           May the creator of us all guide each one of us as we  
10 attempt to move this case to conclusion in the relative positions  
11 we hold and have been entrusted with to the best of our  
12 abilities.

13           With that, we are in recess, but before the school  
14 board members leave, I would like to have the opportunity to step  
15 down from the bench so that I may shake each one of your hands.

16           We are in recess.

17   (Proceedings adjourned.)

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5 MARILYN MARIE MONTEILH :  
6 vs. : DOCKET NUMBER 65-10912  
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8

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9 CERTIFICATE OF REPORTER

10 I, LaRae E. Bourque, Official Court Reporter for the  
11 United States District Court, Western District of Louisiana,  
12 do hereby certify that the foregoing 10 pages are a true and  
13 accurate transcript of the proceedings had in this matter,  
14 as hereabove set forth, and that I have no interest of any  
15 nature whatsoever regarding the ultimate disposition of this  
16 litigation.

17 I further certify that the transcript fees and format  
18 comply with those prescribed by the Court and the Judicial  
19 Conference of the United States.  
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22 \_\_\_\_\_  
23 LARAE E. BOURQUE, RPR, CRR  
24 Official Court Reporter  
25