

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

MARILYN MARIE MONTEILH, : DOCKET NO. 65-10912
 :
 Plaintiff, :
vs. : January 23, 2008
 :
 SCHOOL BOARD OF ST. LANDRY PARISH, :
 :
 Defendant. : Lafayette, Louisiana

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 afternoon. Please be seated.

All right. The matter before the Court this afternoon is Civil Action Number 65-10912, *Monteilh vs. the St. Landry Parish School Board*.

Before we start today, I would like the record to reflect that since the Court ordered the St. Landry Parish School Board to place a copy of the minutes of all proceedings conducted in court on the school board's website, I have received numerous telephone calls and letters from parents and concerned citizens of St. Landry Parish about the desegregation case and matters concerning the school system not necessarily related to the case.

Depending on the nature of the inquiry, I have tried to answer the letters and return the telephone calls I received. However, as a result of the sheer volume of inquiries that I have been receiving, I will no longer be in a position to respond to telephone calls or letters.

All future inquiries by parents and concerned citizens, including letters, should be directed to the United States Department of Justice or the United States Attorney of the Western District of Louisiana.

At this time I would ask that the attorney for the United States identify herself for the record.

MS. TAYLOR: Good afternoon, Your Honor. Lisa Taylor

1 representing the United States with offices in Washington, D.C.

2 THE COURT: And, Ms. Taylor, I am aware from a call
3 that was made by Ms. Vincent to my chambers today that she's ill,
4 I believe, and will not be here.

5 MS. TAYLOR: Yes, Your Honor. She is actually as we
6 speak at a doctor's appointment, and if she's able, she will come
7 in a little bit later, but she may not be available.

8 THE COURT: Should the Court expect anyone else from
9 the United States Attorney's Office for the Western District to
10 attend?

11 MS. TAYLOR: No, Your Honor.

12 THE COURT: And I do not see -- and if I've missed him,
13 forgive me -- Mr. White, the attorney for the original
14 plaintiffs. Do you know whether or not he's coming? I don't see
15 him in the courtroom.

16 MS. TAYLOR: I have not spoken with him recently. I
17 tried to call and leave a message, but I don't know whether he's
18 planning to attend or not, Your Honor.

19 THE COURT: Well, I'm sure, Ms. Jordan, he got a notice
20 of this fixing.

21 THE CLERK: Absolutely.

22 THE COURT: Okay. Well, perhaps he'll show up and
23 we'll just see what happens when we see what happens.

24 Next I'd ask that the attorney for the St. Landry
25 Parish School Board identify himself for the record.

1 MR. CASWELL: Yes, Your Honor. Gerard Caswell for the
2 St. Landry Parish School Board.

3 THE COURT: And then I would ask that the members of
4 the St. Landry Parish School Board, starting with the president
5 and the vice-president, to identify themselves and the district
6 they represent.

7 MR. MILLER: Good afternoon, Your Honor. John Miller
8 representing District 3, Opelousas. I'm currently serving as
9 President of the St. Landry Parish School Board. As I look
10 around, all members are present and accounted for.

11 THE COURT: Thank you, sir.

12 MR. BOSS: Your Honor, Kyle Boss, Vice-President
13 representing District 8.

14 THE COURT: Thank you. And we'll just start first
15 here.

16 MR. CARRIERE: Your Honor, Ronald Carriere, District 6,
17 St. Landry Parish School Board.

18 MR. DEVILLE: Your Honor, Dillard Deville representing
19 District 4.

20 MR. YOUNG: Your Honor, Roger Young, District 11.

21 MR. WYBLE: Your Honor, Huey Wyble, District 7.

22 MR. STANDBERRY: Anthony Standberry, District 1.

23 MR. RICHARD: Your Honor, Quincy Richard, District 10.

24 MR. BUDDEN: Your Honor, Marx Budden, District 5.

25 MR. FRUGE: Your Honor, Harry Fruge representing

1 District 13.

2 MR. RICHARD: Good afternoon. Scott Richard,
3 District 9.

4 MS. FRANK: Your Honor, Josie Frank representing
5 District 12.

6 MS. EAGLIN: Your Honor, Elinor Nacoste-Eaglin
7 representing District 2.

8 THE COURT: Now, Superintendent Nassif, if you would
9 identify yourself for the record and go ahead and identify those
10 members of your senior staff who are present.

11 SUPERINTENDENT NASSIF: Your Honor, Michael Nassif,
12 Superintendent of Schools, St. Landry Parish School Board. In
13 the corner we have Mr. Clifton Carmon, Director of Title I
14 Programs; Mr. Randy Manuel, Director of Finance; Mr. Rusty Moody,
15 Assistant Superintendent in Charge of Maintenance; Joseph
16 Cassimere, Assistant Superintendent of Instruction; Mr. Darrell
17 Brown, Supervisor of Child Welfare and Attendance; Ms. Mary
18 Doucet, Coordinator of Special Education in the audience; Dr. Joe
19 Guillory, Coordinator of Special Education; Mr. Chris Herzog; and
20 I think that's all, Your Honor. Thank you.

21 THE COURT: Thank you, sir.

22 The Court scheduled this conference to address the
23 presiding judge's perception as it relates to this soon to be
24 43-year-old school desegregation case that the St. Landry Parish
25 School Board has been for the past year dysfunctional and to

1 determine what, if any, progress the school board has made in
2 addressing the *Green* factors that remain in the case since our
3 last conference on December the 6th, 2007.

4 My great and sincere concern is that the St. Landry
5 Parish School Board, while its members play political games among
6 themselves, is allowing the case after six years of truly
7 significant progress to stagnate, and that such action or
8 inaction will shortly result in the United States Department of
9 Justice and/or the original plaintiffs asking the Court for
10 further relief to compel the school system to comply with its
11 obligations under the United States Constitution and the orders
12 of this Court.

13 The irony of the present situation from the judge's
14 perspective, having presided over the case since February the
15 2nd, 2000, is that it is not matters of race that brought the
16 case to a standstill. Rather, it is politics, pure and simple
17 politics.

18 I don't know if Superintendent Nassif is a leader
19 capable of bringing this case to an end or not. The board may
20 have made a mistake, but by a nine to four vote, you, the school
21 board, hired him on July 18th, 2007.

22 As I recall, one of the provisions the school board
23 insisted upon being in the superintendent's contract was that he
24 make every reasonable effort to bring this desegregation case to
25 a conclusion. I do know from reading the minutes of your

1 meetings that since Superintendent Nassif was hired, he has
2 received little or no support from the board as it relates to
3 this case.

4 Based on the school board's action, or inaction rather,
5 over the last six months, I suspect Superintendent Nassif
6 couldn't get seven votes to determine the time of day if
7 determining the correct time of day had anything to do with this
8 case.

9 The St. Landry Parish School System has major issues
10 that need to be resolved and resolved now, not only issues
11 related to this case, but issues related to the quality of
12 education of the young people of your parish, the quality of the
13 facilities and conditions that those young people are being
14 educated in which spill over into the desegregation case.

15 I submit that if the 13 of you on the school board were
16 asked individually why you ran for your office, each one of you
17 would say to help the children of the parish and to improve the
18 quality of education and to make St. Landry a better place.

19 As the judge presiding over this case for the past
20 seven years, I would question such a response based on the
21 board's actions, deeds and inaction over the past year, and I say
22 shame on you as a board.

23 I assure the 13 of you that the turmoil in the school
24 system and in your parish that is being occasioned by the board's
25 inaction on matters related to this desegregation case, if your

1 political games continue, are running the risk of destroying
2 public education in St. Landry Parish as it is and as it has been
3 known.

4 One doesn't have to be a rocket scientist to see what
5 has occurred in several urban school systems in our state, but
6 this is what the school board is putting at risk in this case.
7 If that happens and you have continued middle class flight from
8 the school system, black and white, I suspect you will try to
9 pass the blame to the federal government in Washington, D.C.,
10 and/or to the federal judge in Lafayette, but I don't know how
11 you will live with yourselves, face your constituents, your
12 children or your grandchildren.

13 With literally thousands of man-hours invested by
14 school board personnel, the lawyers in the case and the Court, as
15 well as millions of taxpayer dollars that have been spent in the
16 last six years, it grieves me, and it should grieve each of you,
17 that the school board's backsliding, by its actions and inactions
18 over the last year, has lost the presumption of good faith in
19 this case and that, as of today, January the 23rd, 2008, the St.
20 Landry Parish School System is no closer to achieving unitary
21 status in the remaining *Green* factors than it was when I had the
22 occasion to meet with the school board in this very courtroom on
23 March the 14th, 2001. Again, I say shame on you as a board.

24 Ms. Taylor, turning to the *Green* factors that remain in
25 this case, assuming by its future action that the St. Landry

1 Parish School Board is willing to try and is able to reestablish
2 the good faith requirement that is a prerequisite for any school
3 system attaining unitary status before the government and/or the
4 original plaintiffs are forced to put it on my plate, where do we
5 stand, first of all, on quality of education from the
6 government's perspective? And if you'd come to the lectern as
7 you address each of these points.

8 MS. TAYLOR: Thank you, Your Honor.

9 THE COURT: And, again, to refresh the school board
10 members' memory, those of whom need to have it refreshed on
11 quality of education, there was a motion that was filed here by
12 the school board that the Court held I'm going to say at least a
13 year -- and I could be wrong, but I think it's over a year before
14 I denied as moot as it relates to this *Green* factor, and the big
15 issue was the disproportionality issue.

16 And then, of course, since then and since these minutes
17 have been placed on the website, we've had a lot of feedback
18 about children, students with special needs. So where are we on
19 the disproportionality -- or quality of education rather? You
20 just tell me where we are.

21 MS. TAYLOR: Yes, Your Honor. The United States would
22 agree with your comments. We're actually further away from
23 unitary status than we were a couple of years ago.

24 Specifically we have received recent reports from
25 parents and actually had a parents meeting last night at Park

1 Vista Elementary to express some concerns about the special
2 education in the system.

3 We received complaints specifically -- let's see if I
4 can get my notes -- such as these about one student who is
5 legally blind and has not been getting any special education
6 services. It's as if they pretended that the blindness does not
7 exist.

8 Another child who is autistic has been known to escape
9 from the school campus without any supervision and has also
10 returned home with several bruises on his body which have not
11 been explained by the school officials.

12 It's gotten to the point for that instance that the
13 parent thought it was no longer safe to have her child at the
14 school and she has withdrawn her child permanently from the
15 system.

16 There's another instance of a child being left behind
17 by the school bus. The child has autism and the parents describe
18 the child as having the state of mind of a two-year-old. So not
19 only was this child a special needs child, but the child did not
20 have the wherewithal to identify where she was or how she could
21 get home, and the only way that this became evident was by the
22 parent not receiving the child and the bus driver had no
23 explanation.

24 There are several reports that we received last night.
25 There are too many to go over, but these are just examples of

1 what we consider to be egregious noncompliance of not only
2 quality of education within this case, but obviously some
3 concerns about other federal law. And so as we had indicated in
4 December, we have referred this to the Department of Education,
5 Office of Civil Rights, for review. As well we will continue to
6 look closely at this situation.

7 THE COURT: Now, Ms. Taylor, let me ask you because I
8 don't want to confuse the issue, and I suspect that everybody in
9 this room understands the distinction between what I perceive you
10 have just been talking about.

11 These are children, students, with special needs, and
12 we're not necessarily talking about the issue of the
13 disproportionality between the African-American and Caucasian
14 students that was the subject that's been going on in this case
15 going back I'm going to say at least two years.

16 MS. TAYLOR: Yes, Your Honor. That is just the
17 beginning of our concerns.

18 THE COURT: Okay. I understand.

19 MS. TAYLOR: So there is a distinction.

20 THE COURT: This would be a follow-up -- if I could
21 interrupt you here -- on the order that I gave the government the
22 last time to investigate the issue that came to my first
23 attention I think with a child with Aspergers Disease.

24 MS. TAYLOR: Yes, Your Honor.

25 THE COURT: And I said, go ahead, I want this

1 investigated, and this is the follow-up on that investigation; is
2 that correct?

3 MS. TAYLOR: Yes, Your Honor.

4 THE COURT: Okay. Go ahead.

5 MS. TAYLOR: In addition to that, we did -- we had some
6 trouble having the school district comply with this Court's order
7 in September and as a result had to have a second order issued in
8 December to actually address the specific case of a child at Port
9 Barre Elementary. And today the United States went to visit the
10 school property and we continue to have some concerns about the
11 quality of that facility as an accommodation for that one
12 particular child.

13 I was able to take a sample just as a demonstrative aid
14 here, Your Honor, and this is a piece of property. The building
15 where this child is who has special needs, that building is
16 actually falling apart, and all you have to do is touch it and
17 the building -- parts of the building will come off.

18 In addition to that, there are some mold problems there
19 which could obviously exacerbate the concerns of this particular
20 child. So that relates to our inquiry, and we have notified the
21 school district right before this proceeding and expect it to be
22 addressed.

23 THE COURT: Well, I have entered -- I gave a verbal
24 order, then I gave a written order, and, you know, the next thing
25 for me to do is to start bringing people in and putting them in

1 jail. I mean, I expected them to address it. I don't know what
2 lever you've got that I don't have, but I'm really upset.

3 And, Superintendent Nassif, I've got to look you in the
4 eye right now and tell you that because I said that in this court
5 several months ago. I gave a direct order, and based on the
6 information I received from you, I thought it was a done deal and
7 it was in good enough shape. And I would have assumed -- and
8 maybe I was wrong -- that you went out there and looked at it and
9 said it passed muster.

10 If Ms. Taylor is close to being right, I don't know how
11 in the world you could have said that. I don't know how you
12 could have said that, sir. And that has nothing to do with the
13 13 of these -- or at least seven of them supporting you because
14 they haven't done anything to support you, but this is a separate
15 issue. That's a direct order from a United States District
16 Judge. And, you know, Presidents aren't above the law or an
17 order of the court and a superintendent of a school system
18 certainly isn't. I don't know how else to tell you, but that
19 grieves me greatly, and maybe you'll want to address it when you
20 get the opportunity, but I expect -- Ms. Taylor, I want -- you
21 know, despite anything the superintendent might say here in court
22 today, I want to know what's going on. I want an every three day
23 report out of you from what they're doing over there.

24 MS. TAYLOR: Yes, Your Honor.

25 THE COURT: That's enough of this.

1 And, Mr. Nassif, if you can't get the support you need
2 as a superintendent -- you're facing me right now. I'm looking
3 at you and then I'll go to the president and then the
4 vice-president, and if there's individual board members, I'll go
5 get them, too, but I don't know how else to do this. I mean,
6 this is not a little thing. This is the law of the country.
7 It's not even about this case.

8 MS. TAYLOR: Your Honor, if I may approach, I do have
9 some pictures as well that will document the building and I'll
10 share that. May I approach, Your Honor?

11 THE COURT: You may.

12 MS. TAYLOR: To be fair, Your Honor, they have in fact
13 rehabbed the interior parts of the building, but the concern is
14 that the exterior part is falling apart, and, in fact, due to the
15 quality of the exterior, the mold issue could in fact adversely
16 affect the students that it's meant to protect.

17 THE COURT: Well, I'm just going to say the three
18 photographs you just gave to me -- and I don't know if you
19 intended them to be placed in the record or not, but if they're
20 anywhere close to being an accurate depiction of what's on the
21 ground, this is pathetic, just pathetic.

22 Do you want that in the record or not?

23 MS. TAYLOR: Yes, Your Honor.

24 THE COURT: All right. Mr. Caswell, is there any
25 objection to this being introduced here today as Government 1

1 with the date of this hearing, those three photographs in globo?

2 MR. CASWELL: I have no grounds for an objection, Your
3 Honor.

4 THE COURT: All right. Admitted without objection,
5 Ms. Jordan.

6 MS. TAYLOR: To continue our concerns, Your Honor, as
7 you previously mentioned, we have an ongoing concern about the
8 disproportionality of students of color being identified as in
9 need of special services.

10 As I understand it, the district is required to provide
11 a report to the United States, which we have not received, that
12 is given to them by the state to track whether or not this has
13 been addressed based upon the information that the state
14 provides.

15 THE COURT: Wait. I'm sorry. There's a report they
16 owe the government now?

17 MS. TAYLOR: Yes, Your Honor.

18 THE COURT: When was that report due?

19 MS. TAYLOR: It's usually given from the state to the
20 district in October.

21 THE COURT: And so you have to assume, unless you're
22 told otherwise -- and we'll give them an opportunity to tell us
23 otherwise -- that the state must have received -- done what it
24 usually does and the school district must have gotten it and just
25 didn't turn it over to you?

1 MS. TAYLOR: Yes, Your Honor. At this point we don't
2 know what the status of it is, but we do have some outstanding
3 concerns, particularly as we heard anecdotal evidence from school
4 officials, principals and teachers about students that they
5 believe did not -- should not have been identified as special --
6 in need of special services that were because of their race. So
7 at this point we're continuing to inquire into that to see
8 whether or not these people will come forward to address --

9 THE COURT: Mr. Caswell, can you enlighten me and
10 Ms. Taylor? You've got the superintendent here and, gosh knows,
11 you've got a ton of central office personnel here. Where is that
12 report?

13 MR. CASWELL: Your Honor, I was just inquiring of the
14 superintendent. I believe the report was actually issued by the
15 state department to the district in November. In fact,
16 Mr. Nassif advises me that at one of our meetings he presented it
17 to the board and it is part of our minutes and record. It was an
18 oversight that the actual report was not given to Ms. Taylor, and
19 it will be in her hands no later than tomorrow, if not today.

20 MS. TAYLOR: Which brings me to my -- I'm not sure what
21 point I'm on, but I guess the idea is that when the state
22 provides a report, I believe it's the school district's
23 obligation to assess it and to make recommendations based upon
24 that assessment. That is not possible because they have yet to
25 designate someone to specifically address this concern as they

1 have promised over the past few months.

2 THE COURT: Well, you know -- and, again, it's kind of
3 like -- I don't even know how to say it. We're all in the same
4 courtroom.

5 The great thing about this lady taking everything down
6 and now that it's going on the website, everybody in your parish
7 can read it, but there's a historical record made here. We've
8 discussed this time and again. And I remember the first meeting
9 that Superintendent Nassif came on and I remember one of the
10 things I said. I knew he had a plan. I said, I look forward to
11 the board acting on it, whatever they were going to do.

12 Then I read all the hoorah in the paper and from your
13 minutes about -- I'm not even going to call it attempts to get
14 that resolved because I don't know what it was, the activity or
15 inactivity that's gone on about that, but I know that the
16 previous administration had a plan. I'm sure it's still sitting
17 there somewhere.

18 And I addressed this December the 6th. I think,
19 Superintendent Nassif -- and I'm just going to flat tell you. I
20 don't care what the school board wants right now. I'm ordering
21 you to get this office dead center and that's an order in this
22 case. If they won't vote for you to do something, you've got an
23 order from the federal judge. You just go do it.

24 Do you understand, sir?

25 SUPERINTENDENT NASSIF: Yes, sir.

1 THE COURT: And I hope the school board understands
2 that. I mean, the whole thing is going to hell in a handbasket
3 and y'all are sitting up there doing whatever you're doing. I do
4 not understand that, ladies and gentlemen. You want to know why
5 I said it's not about the children? It's not about the children
6 right now.

7 Go ahead, Ms. Taylor. I'm sorry.

8 MS. TAYLOR: Yes, Your Honor. And so at this point you
9 specifically asked me to address areas of concern relating to
10 quality of education. I can continue with the *Green* factors or
11 we can proceed in another manner.

12 THE COURT: I want -- let me just -- I want to go with
13 the *Green* factors, but as it relates to this investigation that I
14 ordered that you've got going, now you're referring this over to
15 the Department of Education, right? This is the Department of
16 Education. It's nothing do with the Justice Department and it's
17 because -- is that right?

18 MS. TAYLOR: Yes, Your Honor. It's a separate federal
19 entity.

20 THE COURT: And that's because apparently -- and I say
21 apparently because I don't know -- the school system, besides
22 violation of orders in this case as it relates to this case and
23 that *Green* factor of quality of education, is apparently
24 violating other federal laws.

25 MS. TAYLOR: Yes, Your Honor. The IDEA, the ADA and

1 perhaps some other special education laws.

2 THE COURT: Okay. Well, the next *Green* factor I have I
3 think would probably be personnel because that's another one
4 that's been sitting out there forever. And I know it's a big
5 issue. We've gone through it with the teachers. It would be
6 real interesting to me -- and, in fact, I make that -- I want to
7 know. We just got a late filing of the Hinds County report.
8 That was received in my office yesterday.

9 When was that due, Ms. Taylor?

10 MS. TAYLOR: Yes, Your Honor. That was due in
11 September.

12 THE COURT: We got that yesterday or I got my copy
13 yesterday, but at any rate...

14 MS. TAYLOR: Your Honor, at this time we still remain
15 concerned about the assignment of principals.

16 THE COURT: But, again, where I was going with that,
17 Ms. Taylor, is I know we've -- I would like to know -- and I
18 don't know if the Hinds County report that's currently being
19 filed still -- and, Mr. Caswell, I'll ask you if you know, and if
20 you don't, maybe Superintendent Nassif or whoever is in charge of
21 that, but the teacher -- the ratio that we were operating under
22 before the faculty was signed off on with a plus or minus
23 ten percent that we had under *Singleton*, is that covered in this
24 report?

25 MR. CASWELL: Yes, sir. It's the very first thing in

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 6th. 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

1 attempting to hire the director of disproportionality.

2 THE COURT: And the issue that we've addressed, I'm --
3 maybe you can be more specific for me so I can see where they
4 were running afoul and Mr. Caswell stopped them.

5 MS. TAYLOR: Sure. Yes, Your Honor.

6 My understanding -- and I didn't have a lot of time to
7 discuss this, but my understanding was that Mr. Nassif was not
8 involved in the process, but there was this committee that was
9 created to kind of devise descriptions for the job without
10 Mr. Nassif.

11 THE COURT: I'm familiar with that issue. I'm familiar
12 with that issue and, you know, it's -- I'm familiar with the
13 issue.

14 MS. TAYLOR: Yes, Your Honor.

15 THE COURT: And let me say this. What I think that's
16 about, school board members -- and I'll just say it. You all are
17 doing whatever political shenanigans you're doing, and as a
18 result of that, it's a spillover effect on the whole system, the
19 central office.

20 I cannot imagine how demoralizing it must be to the
21 professional educators in your parish right now -- the
22 principals, the teachers and the other people that work with the
23 kids, where the rubber meets the road -- to watch the 13 of you
24 act and interact and what's been going on.

25 And I will tell you the reason I'm not going to be

1 doing anymore telephone calls and letters, I'm getting too many
2 of them. They're reading what's going on here in court. I think
3 they're reading the minutes of your meetings.

4 Go ahead, Ms. Taylor.

5 MS. TAYLOR: And that's all I have for personnel
6 assignment, Your Honor.

7 THE COURT: All right. Well, let's talk about the next
8 thing -- or the next two things actually because I have said
9 before because of the -- and I said that on the record in this
10 proceeding. It's all in black and white and I suspect posted on
11 the school board's website now.

12 Because of the geography and demography of St. Landry
13 Parish, the size of the parish and where the people are, that the
14 two hardest *Green* factors, student assignment and facilities,
15 were inextricably intertwined. And you will recall, members of
16 the school board, and if you don't, you can go read it in the
17 official minutes of one of these status conferences, that I
18 appointed a committee that was equally divided, Caucasian and
19 African-American, to come up with a plan as it relates to
20 facilities and student assignment and to talk about which schools
21 would be closed -- get that, so if nobody heard that the last
22 time, some schools are going to be closed -- and where new
23 schools would be built.

24 And what I did with that, that committee got the plan
25 to me. It made absolute sense to me. And these are people

1 whose, in the judge's view, integrity is beyond reproach who know
2 your parish and love your parish, but know your parish and have
3 integrity.

4 And while nothing is perfect -- I mean, we can't tell
5 exactly where the growth is going to be 15 years from now. Of
6 course, the way it's going, some federal judge after me still
7 might be presiding.

8 And all of this was going on when I thought we might
9 have gotten a chance to get out of here relatively soon and get
10 this case over with, but that plan was developed. It was
11 submitted to the Court. I looked at it. I thought it was a
12 great plan. I thought in my view it met constitutional muster.

13 As I told you at one of these status conferences, I
14 turned it over to the government and the government was going to
15 look at it to check on the constitutional issues. And then my
16 plan after that happened, after the government did that, if there
17 were any issues that they needed to raise, they would get it back
18 to me and I'd get it to that committee.

19 The committee would look at it, I would look at it, and
20 once that had been worked out between the committee and the
21 government, it would go to the school board attorney for the
22 superintendent and his senior staff to look at to see what kind
23 of educational sense it made. Then it would be presented to the
24 school board, and if the school board didn't like it, they could
25 come up with another plan, their own plan that would be

1 constitutional and hopefully educationally sound. Constitutional
2 is the operative word.

3 And then if it did, that would be great. We'd have
4 that plan. If it didn't come up with a plan and it didn't adopt
5 the plan that Superintendent Nassif and his committee had
6 reviewed and tweaked with the government and the other lawyers in
7 this case, then I'd just tell you where the schools are going to
8 be. I'll tell you which ones are going to be closed because the
9 government is going to come put it on my plate and I'm going to
10 do my job. The board may not do its, but I'm going to do mine
11 under the oath I took, that same oath we all took when we got our
12 offices.

13 Go ahead, Ms. Taylor.

14 MS. TAYLOR: Your Honor, at this point we have all the
15 information we need.

16 THE COURT: That's what I want to know. Where the heck
17 is the plan now?

18 MS. TAYLOR: Yes, Your Honor. In thirty days you'll
19 have a response. And, in fact, to that end, the United States
20 has delivered copies of maps which we'll need to do one of the
21 following. We expect there to be some elementary school
22 consolidation, some attendance zone adjustment, construction of
23 new schools and closure of schools.

24 And we have these maps here for the school district as
25 well as for the Court and other parties, the committee, to review

1 to determine whether or not the plan is consistent with the
2 desegregation obligations.

3 THE COURT: All right. Now, let me ask you, the map
4 that you've got here, that's after you've reviewed the plan that
5 the committee submitted to you or that I submitted to you on
6 behalf of the committee?

7 MS. TAYLOR: Yes, Your Honor, but it does not reflect
8 the plan because at this point we have to go back to look at the
9 capacity information that we received from the district in
10 December, but we did want to provide the maps to the Court if the
11 Court would like them.

12 THE COURT: Well, you know what? Until it's a final
13 product, Ms. Taylor, I suspect not. This file is bigger than
14 Dallas already and I don't need anything else in it until we need
15 to look at it and it's final.

16 MS. TAYLOR: Yes, Your Honor.

17 THE COURT: And if you want to leave a copy to give to
18 the committee that I appointed, I'll be happy to do that.

19 MS. TAYLOR: I've taken care of that, Your Honor.

20 THE COURT: Okay. Good. But, again, what I want the
21 school board to know and the record in this case to reflect,
22 there's been a lot of time spent on this already, ladies and
23 gentlemen of the school board.

24 Like I told you, I mean, this is going on I think --
25 and, again, I don't want to misspeak here. At least a year ago I

1 think I had -- I advised the board at one of these meetings.

2 Ms. Taylor, am I close on that?

3 MS. TAYLOR: That's correct, Your Honor.

4 THE COURT: Mr. Caswell, am I close on that time frame?

5 MR. CASWELL: (Nodding head.)

6 THE COURT: Mr. Caswell nods yes. Okay.

7 MR. CASWELL: Yes, sir.

8 THE COURT: So there's been a lot of man-hours, and I
9 say that generically at the risk of sounding like a sexist, but
10 man-hours that's gone into this. And as I said the last time we
11 discussed it on the record, if the board, seven of you, can't go
12 with the plan that the superintendent, after it goes through this
13 process, presents to you, if you come up with a plan and it's
14 constitutional, that's fine. Y'all do it.

15 And, again, I'm not even going to venture to guess what
16 will be possible going forward. You couldn't have done it any
17 time in the last year, but maybe going forward you could, but
18 it's got to be constitutional.

19 So this is not the end to all, it's a start, and
20 hopefully the wisdom of at least a majority of the board, seven
21 of you, whoever's ox wasn't getting gored too badly, or if you
22 could just think bigger than your school district and whatever
23 might happen to a school in your district, but for the good of
24 the parish, for the good of education of the parish you could
25 muster seven votes, it would probably be a great start. Now, is

1 that politically possible? Who knows.

2 Go ahead, Ms. Taylor.

3 MS. TAYLOR: Yes, Your Honor. As it relates to
4 facilities, we remain concerned about the school district failing
5 to have a district-wide systematic assessment of its facilities.

6 What I mean by that was in June and July the district
7 had requested that we approve certain QZAB funds, and we had
8 asked them at that time to prioritize the needs of their schools
9 and what needed to be fixed and when, and at that time they
10 omitted several schools which now it's been brought to our
11 attention that they do need in fact to be fixed.

12 So our concern is that they seem to be not looking
13 forward in terms of addressing the facilities concerns and
14 including things like the M to M program, so that if you in fact
15 enroll these students, that you have a place to teach them.
16 We've received some complaints of overcrowding and other things
17 that could have been remedied had we known about it earlier on.

18 THE COURT: Well, you know, that doesn't -- and, like I
19 say, I've been presiding over this case since 2000. We used to
20 have these meetings before we came into court with the whole
21 school board -- and some of the members on this board were there
22 and they remember and they served as president. I used to have
23 these meetings just with the president and the superintendent and
24 his senior staff and the lawyers in the case in my chambers.

25 And these very issues about trying to think a little

1 bit ahead as you -- you just don't react to a situation. And,
2 you know, there's some terrible conditions going on right now in
3 the school system that have cropped up -- I'm going to say
4 cropped up -- because of M to M. Now, M to M is getting blamed
5 for it, but that's not fair. Now, they can say whatever they
6 want, but the result is it's just poor planning, it's not being
7 done properly, and this is not like we just started talking about
8 this.

9 And, again, I can understand when there's a change of
10 administration, there could be a breakdown in some
11 communications, especially the way the change occurred over the
12 last year, but reports not getting turned in on time, not knowing
13 you're supposed to do certain things, not doing certain things
14 that have been orders of this Court going back to the early 70's
15 or late 60's, I don't understand that, but the M to M and the
16 overcrowding -- I mean, I had -- and I had a meeting with a group
17 of really nice group of people from Beau Chene High School about
18 their track recently. I mean, it's just pathetic that we're in
19 that situation right now.

20 And I will tell you this. It wasn't that way two years
21 ago. It wasn't that way two years ago. I've been here long
22 enough. I've seen it long enough. I don't -- it's a synergistic
23 effect right now, members of the board. It's snowballing. It's
24 like that snowball coming down. The further it gets, the bigger
25 it gets and the faster it rolls, and that's what's happening to

1 your school system right now. That's what I meant when I said
2 you're running the risk right now. You are the leaders. You're
3 the people's representatives. You're running the risk of losing
4 public education in your parish.

5 You can turn this parish into -- and I don't need to
6 mention them by name. You know who I'm talking about, other
7 parish school systems where you've got no public support. You've
8 got a great private school system, you know, systems within the
9 parish. You can make that happen in your school system there and
10 there won't be a middle class African-American or Caucasian kid
11 that will go to your school that can get out. They just won't
12 because they want to take care of their kids, and if they don't
13 perceive that they're getting taken care of -- I wish you would
14 have been in that meeting with me with those people from Beau
15 Chene. I wish you would have been with me. Now, what am I to
16 tell those people?

17 And, of course, it's real fashionable to blame the
18 judge for everything or blame the government in Washington, the
19 Justice Department. It doesn't make it true. It might be
20 politically expedient for those of you who are facing the people,
21 but when the people that are reading what's going on in this
22 courtroom and listening to what Ms. Taylor is saying here and
23 reading your school board minutes -- I'm sorry I'm so frustrated,
24 but you betcha I'm frustrated. And I know I'm not the only one.
25 I know I'm not the only one.

1 MS. TAYLOR: And the other thing related to facilities
2 and capacity, I learned from some of the principals that while
3 they had a significant increase in their populations or student
4 populations, they didn't receive any teachers. So, for instance,
5 one school had 300 extra students and had no extra support staff
6 or teachers. So the other problem with this is if you're adding
7 students --

8 THE COURT: Excuse me. You said one school got 300
9 extra kids, students, but they got the same amount of teachers
10 that they had the year before?

11 MS. TAYLOR: Yes, Your Honor. Another school said the
12 same thing. They got 90 extra kids, no teachers.

13 So obviously our concern is that the purpose of the
14 M to M program is to ensure that we have quality education at the
15 receiving and the sending schools, but if the receiving schools
16 are getting extra bodies without extra support, then it's
17 undermining the intent of the program.

18 We have just become aware of this. We expect to work
19 with the district to address this in terms of ensuring that the
20 receiving end receives adequate support.

21 THE COURT: Well, Superintendent Nassif, I know you've
22 had your share of central office personnel issues since you came
23 on your tenure, and I've already said you haven't had any support
24 in my view from the record and reading the school board meeting
25 minutes, any cooperation as it relates to issues in this case

1 from the school board or at least seven of them. You couldn't
2 get seven of them on anything, but I don't understand how you can
3 have 300 more kids at one school in one year than the year before
4 and not give any more teachers.

5 I mean, I don't know where the breakdown is there, but
6 I will look at you and say you're the boss. If it's happening on
7 your watch and if that's a fact, I don't know -- you know, I
8 don't know how you can explain that. Maybe there's a good
9 explanation, but, you know, you wonder why the people in the
10 parish are losing faith?

11 MS. TAYLOR: At this point, Your Honor, I think we've
12 said all of our concerns. We would like to make the Court aware
13 that we have an ongoing investigation at one of the schools
14 regarding racial harassment. We are working with the U.S.
15 Attorney's Office and they are conducting inquiries into that.
16 This is at Krotz Springs Elementary.

17 THE COURT: The United States Attorney for the district
18 is. We don't have anybody other than that, but that's ongoing.

19 MS. TAYLOR: Yes, Your Honor.

20 THE COURT: All right. Well, I would like to have a
21 report. If you could let Mr. Washington know I would like to
22 have a report as to the status of that. Certainly I'm not trying
23 to rush him, but I'd like -- within 30 days of this date I'd like
24 to know exactly where it is. If they're finished, that's great.
25 If they're not finished and it's still ongoing, I'd like to know.

1 MS. TAYLOR: Yes, Your Honor. Nothing further.

2 THE COURT: Thank you very much.

3 Mr. Caswell, are there any issues that you would like
4 to address that came up in Ms. Taylor's presentation? Is there
5 anything else from your client's perspective that you would want
6 to tell the Court or state for the record?

7 MR. CASWELL: Yes, sir. I would like to address some
8 of those because I want to make sure that all of our perspective
9 comes out.

10 With regard to quality of education and in particular
11 the issue that is the reason the Court ruled ultimately that the
12 motion that we filed on the issue of quality of education was
13 premature, that being disproportionality -- and I think the Court
14 is aware of this. I'm pretty sure Ms. Taylor is aware of it, but
15 I want to make sure it's in the record, and that is certainly the
16 ongoing dispute over appointing someone to handle
17 disproportionality lasted a while and there was, for lack of a
18 better term, a long dispute about that.

19 However, at the last board meeting that was conducted
20 in January, the board did approve to allow the superintendent to
21 advertise for a coordinator of disproportionality. That is being
22 done. That position was created. That was part of the dispute I
23 think that Ms. Taylor alluded to that I stepped in about about
24 whether a committee could actually name a person.

25 THE COURT: Well, let me interrupt you because what I

1 just ordered Mr. Nassif to do, you're saying, Judge, the school
2 board already gave him the authority to do that.

3 MR. CASWELL: Well, what they did is they allowed him
4 the authority to advertise for the position. In fact, what I was
5 fixing to ask the Court was a clarification on your order because
6 your order was to get it done irrespective of whether the board
7 will let you do it or not.

8 And I needed a clarification for the school board and
9 for Mr. Nassif on is that an order that he appoint someone to
10 that position, because as of right now, the board did authorize
11 the position to be a coordinator of disproportionality and
12 authorized the advertisement for that position so that people
13 will apply. There will be an interview process and there will
14 ultimately be a recommendation by the committee to the
15 superintendent and then a recommendation by the superintendent to
16 the board for that appointment.

17 THE COURT: Well, Mr. Caswell, let me interrupt you
18 because -- and you have to refresh my memory because, one, it's
19 not that good, and, two, I've still got Evangeline over there and
20 we've got a little different situation.

21 And these are very old procedures that were in place
22 prior to my being assigned to this or that case, but the routine
23 under the previous orders of earlier judges in this case, how
24 would it work? The school board authorizes advertisement. The
25 interview process is conducted. The superintendent appoints a

1 committee to do the interviews and whatever else, and then after
2 that, the superintendent picks from the people who have been
3 interviewed.

4 MR. CASWELL: Well, actually the interview committee
5 itself makes a recommendation to the superintendent based on
6 their having conducted the interviews. The superintendent then
7 goes along with that recommendation or doesn't, but ultimately he
8 makes a recommendation to the board of one of the applicants who
9 was interviewed and then the board determines whether or not to
10 follow the superintendent's recommendation or not.

11 THE COURT: All right. Now, that's by order of this
12 Court or not?

13 MR. CASWELL: That's the process that's been in place
14 by a very old order of this Court, that for administrative
15 positions they would be advertised and they would be handled in
16 that fashion.

17 THE COURT: Well, if you're asking for a clarification
18 of what I told the superintendent earlier, whether anybody in
19 this room believes it -- and I don't -- right at this point I
20 don't really care what anybody believes. I don't care about
21 running the St. Landry Parish School System.

22 So if they have -- the 13 or at least seven of them --
23 and I didn't know that yet because if I've gotten the minutes
24 from the January meeting, I haven't read them yet. I don't think
25 I've gotten them, but maybe I have and just haven't read them.

1 If they've authorized him to go forward, I don't care
2 about ordering him to do anything other than follow the normal
3 process that was set, Superintendent Nassif, by earlier orders of
4 earlier judges. And then if there's a mix-up or a mess-up on
5 that, then I'll just enter a written order.

6 And, Mr. Caswell, you let me know. I want you to
7 report to me. You're their lawyer, but I just want you to be the
8 transporter of the information that it didn't happen or, Judge,
9 it has happened because usually what I know about this case
10 before I read the minutes is what I see when I get occasion to
11 read the newspaper from Opelousas online. And I don't always
12 read it. In fact, recently it got so depressing that I try not
13 to read it frankly.

14 MR. CASWELL: Yes, sir. And I will do so. I will keep
15 you advised of what happens in that process because I know that
16 has been approved and that's in the works.

17 THE COURT: Okay. Well, again, my point is I don't
18 want to go -- I'm not going to go one inch further than I'm
19 required to go because the school board won't do what they're
20 supposed to do or the superintendent doesn't do what he's
21 supposed to do.

22 MR. CASWELL: Yes, sir.

23 And, of course, Mr. Nassif does have and has presented
24 a plan on how to deal with disproportionality that ultimately,
25 when this particular employee is designated and selected and

1 approved by the board, they will begin to address
2 disproportionality.

3 On the next *Green* factor --

4 THE COURT: Wait a minute, Mr. Caswell. Again, we've
5 talked about this plan in this courtroom before. I mean, I
6 didn't know what it was, but the plan that he has gotten
7 together -- and, you know, I know -- I don't remember what my
8 source of information is. It's somebody at LSU or somebody did
9 something and maybe I read about it in the paper. I don't know.

10 Has this plan been discussed with the government and
11 the original plaintiffs, and have they said, yeah, if y'all adopt
12 that, it looks like it will address our concern or not?

13 MR. CASWELL: It has definitely been shared with
14 Ms. Taylor. I don't know if --

15 THE COURT: Because if it doesn't meet muster,
16 Mr. Caswell, we're just spinning our wheels, you know, because
17 then they'll say, no, it doesn't work, Judge, and they'll file a
18 motion and we'll have a hearing and I'll have to decide that,
19 too.

20 MR. CASWELL: It has been presented to Ms. Taylor.

21 MS. TAYLOR: That is correct, Your Honor, but as late
22 as today I learned that they actually had a plan in place two
23 years ago that they haven't followed through with. So now that I
24 have this information, I'd like to look at what they're trying to
25 currently implement and see whether or not they've made any

1 assessment about whether it's effective and what they can do to
2 make it effective.

3 THE COURT: Well, now the plan of two years ago that
4 you say wasn't followed through on I do remember because we've
5 been talking about this for a couple of years. There was a plan
6 that was developed. In fact, Mr. Franz Marshall got involved and
7 he tried to refer the people in the previous administration over
8 to Rapides Parish because they had implemented a plan that seemed
9 to work and it was signed off on or something. Is that the plan
10 you're talking about or another plan?

11 MS. TAYLOR: Actually there's another plan. I was
12 informed by the principal -- and this particular principal said
13 they never did any training, any follow-through. So she thinks
14 the plan may be -- this is coming from a principal, of course.
15 She thinks the plan may be in fact effective if they fully
16 implement it.

17 I only say that because I just learned that today. So
18 based upon that, I do have some concerns which may lead the
19 United States to hire its own special education expert to
20 facilitate the implementation of a plan that addresses both
21 issues we discussed earlier, Your Honor.

22 THE COURT: Well, you know, Ms. Taylor, I want you and
23 the government -- and I expect you to do just like I'll do.
24 You'll follow the oath you took to make sure the constitution is
25 followed and the orders of this Court are complied with, but this

1 is what I was saying, school board members. I can remember being
2 in this courtroom and saying we're in the red zone. Don't fumble
3 the ball. We're on the one yard line.

4 And, you see, we're getting ready to go back and undo
5 all of this, all of this, and we're going to get the government
6 to have to appoint an expert to do something that's been sitting
7 in file thirteen for two years or whatever the heck it was. Now,
8 if that doesn't break your heart, you don't have a heart.

9 Now, Mr. Caswell, the only thing I'll say, I expect the
10 superintendent will follow through on the authority. He'll
11 follow the procedure of the previous orders of the Court,
12 previous judge, however we got to be where we are. The person
13 will be recommended and somebody will be hired and this plan is
14 in place, but it would be foolish to go implement the plan until
15 Ms. Taylor and Mr. White -- and, by the way, the record should
16 reflect that I think Mr. White came in about -- I'm going to say
17 five to ten minutes ago -- have a chance to look at it --

18 MR. CASWELL: I understand that, Your Honor.

19 THE COURT: -- and make any adjustments.

20 So, in other words, just because we hire somebody, the
21 school board hires somebody, and just because they've got this
22 plan, it's not done until it's done.

23 And I would think just because of the -- I'm going to
24 call it acrimony because that's a good word -- that's arisen in
25 the case over this issue and how longstanding it is, once all of

1 that is done, I want the school board and the government and the
2 original plaintiffs to file a joint motion, Judge, you go ahead
3 and accept this plan, you go ahead and accept it, so we're all on
4 the same page. And if we can't make it a joint motion, then
5 we'll let whoever the proponent is -- and I suspect it would be
6 the school board. We'll have a hearing on it and the government
7 will object or the original plaintiff will object or whoever and
8 then we'll just let the judge decide it. Now, I can't imagine
9 I'll have to do that, but if I have to, I will.

10 And, Ms. Taylor, if you have to hire an expert and you
11 go spend some more of our tax dollars, do it, and if it turns out
12 it's not absolutely necessary, I know you're not going to spend
13 any money you don't need to, but I'm encouraging you to do just
14 what I know you and Mr. Marshall and everybody in your department
15 do, make sure we follow the law here.

16 MS. TAYLOR: Yes, Your Honor.

17 THE COURT: Go ahead, Mr. Caswell.

18 MR. CASWELL: On the next *Green* factor I want to
19 address, Your Honor, with regard to principal assignments, I want
20 to point out two things. And I understand the Court's order with
21 regard to making recommendations to the board by the March
22 meeting.

23 In previous discussions with Ms. Taylor and with the
24 Court, we had discussions about the fact that this plan that the
25 committee has that ultimately I'm going to see once the

1 government completely reviews it and gets it back to the Court
2 and the Court gets it to me, we had discussions about one of the
3 factors that was involved, and our delay in doing so is that if
4 in fact there were schools slated for closure in that plan that
5 were in fact schools that were of concern to the Court and to
6 Justice with regard to the principal assignment, that it would be
7 appropriate not to implement a change at a school that was slated
8 for closure because there may be some attrition of the very
9 principals affected.

10 In addition, most recently I had contact with
11 Ms. Taylor asking her for the Justice Department's definition of
12 a school that is racially identifiable by its principal. In
13 other words, we want to know what the rule of thumb is so we know
14 exactly what schools we need to address before we make the
15 recommendation to the board. And I know she's got that and she
16 agreed by e-mail to me that it was a good idea that Justice do
17 that with us.

18 And so those are some things that are out there that I
19 call to the Court's attention because we're looking at doing this
20 in March. That's my purpose in doing so.

21 THE COURT: Okay. Ms. Taylor, you rise. There's
22 something you'd like to address?

23 MS. TAYLOR: I do, Your Honor. I think the attorney,
24 Mr. Caswell, is aware that the schools in question are not
25 involved in the schools being discussed in the reorganization

1 plan. That's my first point.

2 THE COURT: Wait. He may or may not be if he hasn't
3 seen the plan unless you've told him that.

4 MS. TAYLOR: Oh, okay.

5 THE COURT: And if you haven't told him before, you're
6 telling him now.

7 MS. TAYLOR: For the record this is not going to be an
8 issue for the reorganization plan and that will be evident in 30
9 days, but the second point I'd like to make is I have identified
10 five to seven schools that have been targeted that really would
11 assist us in assigning principals in a manner that would further
12 desegregation and they are pretty evident.

13 THE COURT: And, again, I don't think you have to be a
14 rocket scientist to figure out some of them. I mean, I know your
15 parish pretty well, and I would suspect -- and let me just guess
16 two schools, just pick out of the hat like Krotz Springs, like
17 probably Arnaudville. I suspect they've never had -- now, I
18 might be wrong, and Mr. Caswell or Mr. Nassif or anybody on the
19 school board, correct me if I'm wrong, but they've probably never
20 had an African-American principal.

21 MS. TAYLOR: Creswell, Your Honor.

22 THE COURT: Well, I just picked two of them off the
23 top. And I know the parish, but I may not know it near -- I
24 don't know it near as well as most of the people from St. Landry
25 Parish in this room I'm sure, but, again, I expect, Ms. Taylor,

1 just so Mr. Caswell -- and he's here in good faith trying to make
2 sure he doesn't lead Mr. Nassif or Superintendent Nassif off a
3 cliff, so when he goes to the school board, if they have the
4 wisdom to follow his recommendation, it's not you putting it on
5 my plate so I get to name those principals or say, government,
6 you go name them. We couldn't figure it out. You go pick them.

7 And, again, the reason -- and I want to reiterate this,
8 Mr. Caswell, and so the school board members know and anybody
9 here who may have an interest in it. There will be some
10 principals that are reaching that portion of their career where
11 they've been comfortable wherever they've been for eons and
12 they're not going to want to be transferred. I understand and
13 respect that.

14 It will have nothing to do with race. It will have
15 nothing to do with anything other than convenience and comfort.
16 I understand that, but because this case will be 43 years old
17 shortly and because we're trying -- and if the school board won't
18 try with me, I'm going to get this thing done.

19 So if it just comes up at that part of their career and
20 if it's time for them to retire, that's fine, they can retire,
21 but it won't put Superintendent Nassif in a bind. Hopefully they
22 wouldn't do that. They'd think more of the children in the
23 parish. If they know they're going to get moved by April, they
24 can -- you know, if it's done by March and notified by April,
25 they can let him know that they're going to retire and he can

1 start filling in the slots because you don't just get a principal
2 like that, not a good one. I know that.

3 So, Ms. Taylor, I want you to cooperate with
4 Mr. Caswell on that so he knows exactly where the ball is. And,
5 again, if the school board -- and, Mr. Caswell, make sure you're
6 clear. Superintendent Nassif, make sure you're clear, and,
7 members of the school board, make sure you're clear.

8 When Superintendent Nassif comes up with a
9 recommendation to you, if you can't get seven votes because it's
10 one of the schools in your district or one of the people you
11 don't want moved or they don't want moved and you don't have the
12 guts to take the political heat for it because that's what it
13 will amount to, then let me do it. I'll do it.

14 Go ahead.

15 MR. CASWELL: That's fine. We just want to make sure
16 that that's clear so we address it appropriately. And that's the
17 only comments I have concerning the *Green* factors that came up
18 that I needed clarification or comment upon, Your Honor. I
19 understand that with regard to that actual committee report, that
20 the government will respond in 30 days. So we'll know something
21 before long on that.

22 THE COURT: All right. And, again, I'll repeat,
23 Mr. Caswell, for you and for your superintendent and your board
24 members. These are the two heavies, student assignment and
25 facilities. We always knew this was going to be the heavy.

1 And I'm going to reiterate what I said. The board as
2 of this juncture and as of today's date doesn't have good faith.
3 They are under no presumption of good faith. They've got to by
4 their future actions reestablish that, and if they don't, then I
5 fully expect Ms. Taylor, Mr. White or one combination of them to
6 say, Judge, they won't do it. You do it. Then I'll do it.

7 Now, Mr. White, you missed a good portion of this
8 meeting. I'd like to say it would have been a pleasant meeting.
9 It hasn't been pleasant for me. I suspect it hasn't been
10 pleasant for anybody else, but this would be the opportunity for
11 you to make any comments.

12 And I realize you've got one hand, at least one hand,
13 maybe both of them, tied behind your back because you haven't
14 heard what was said here earlier, but if you'd like to say
15 anything, now would be your opportunity if you have any other
16 issues that the Court need to consider at this time.

17 MR. WHITE: Your Honor, all we'd like to say is we
18 apologize for not being here, and I think I'm fully apprised of
19 what issues were brought before the Court. Thank you.

20 THE COURT: All right. Well, let me just say this,
21 Mr. White. I don't know why you were late, but knowing you, I
22 assume you had a good reason and you don't have to explain to me.
23 So I appreciate that. That apology wasn't necessary.

24 All right. You know, I don't even know if this is the
25 right thing, but it can't be the wrong thing. I don't know what

1 your -- you 13 on this school board, what your spiritual or
2 religious convictions in your heart of hearts are. That's not my
3 business, but I'll tell you one thing. I remember when I was
4 appointed mediator in the East Baton Rouge Parish school
5 desegregation case by the court over there. I issued a statement
6 and I said that those of you who believe in prayer, please pray
7 for us, and those of you who don't believe in prayer, send us
8 good energy, and those of you who don't believe in either, just
9 wish us luck.

10 I would ask the 13 of you when you go home tonight and
11 you look at your spouse or you look at your children, your
12 grandchildren, to reflect on why it is that you thought you
13 wanted to be on the school board. Reflect on what's been said
14 here in this case, in this courtroom here today, not just by the
15 judge, but by the Department of Justice attorney, and understand
16 the whole system is at risk here.

17 Pray for your fellow board members if you believe in
18 it, if you believe in prayer. If you don't believe in prayer, do
19 the best you can to look in your heart to try to be a team player
20 for the good of your parish and the good of the kids and put all
21 this political stuff behind you.

22 You know, y'all are at bat right now. It's your time.
23 You're making what this parish is going to be, your parish is
24 going to be ten, fifteen, twenty, fifty years from now right now.
25 It's much bigger than just this case. I mean, your parish is at

1 a wonderful time right now with the economic growth. This is
2 ridiculous.

3 And for those of you on the board who I may have
4 offended today or anybody else out there, I don't mean to offend
5 anyone, but I'm offended for all the time that's been invested in
6 this case, all the money, and I'm frustrated and I know that
7 showed.

8 We're in recess.

9 (Status conference adjourned.)

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF LOUISIANA
3 LAFAYETTE-OPELOUSAS DIVISION
4

5 MARILYN MARIE MONTEILH :
6 vs. : DOCKET NUMBER 65-10912
7 SCHOOL BOARD OF ST. LANDRY PARISH :
8

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 49 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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21

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23 LARAE E. BOURQUE, RPR, CRR
24 Official Court Reporter
25