UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOYCE MARIE MOORE, ET AL.	*	**CIVIL ACTION**
VERSUS	*	**NO. 65-15556**
TANGIPAHOA PARISH SCHOOL BOARD, ET AL.	*	**SECTION "B"(1)**

ORDER

Considering the Motion for Court Approval for Election for Continuation and Expansion of Existing Hammond Magnet Programs (Rec. Doc. No. 857) and the Motion for Rule 59 or Rule 60 Relief (Rec. Doc. No. 853) filed by Defendant Tangipahoa Parish School Board,

IT IS ORDERED that the Motion for Court Approval of Election (Rec. Doc. No. 857) is **DENIED** due to the Court's concern over approving said election prior to approving a desegregation order concerning the magnet programs.

IT IS FURTHER ORDERED that the Motion for Rule 59 or Rule 60 Relief (Rec. Doc. No. 853) is **GRANTED** and that the Order (Rec. Doc. No. 852) approving Plaintiffs' proposed hiring procedure is hereby **VACATED**.

IT IS FURTHER ORDERED that the following procedure to hire principals, supervisors, and administrators shall become effective on the date that this Order is entered into the record:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DIVERSITY GOAL:

When vacancies occur for principals, central office administrators, or other supervisory positions which include but are not limited to directors, supervisors, coordinators, principals, assistant principals and administrative assistants, the school system shall hire or appoint a qualified Black person who has submitted an application to fill them to achieve a diversity goal of 40 percent Black and 60 percent white in each category or to achieve the a percentage of Black school-site administrators that will approximate the percentage of Black students enrolled in the school system as shown in Attachment C to the Desegregation Plan filed by Defendants in this matter, whichever is greater.

SCREEING AND OTHER RELATED PROCEDURES:

All applicants will be screened by the Tangipahoa Parish School System Personnel Department to ensure that the applicants meet all the educational and certification requirements as set forth in the job description as well as any certifications or credentials required by the State of Louisiana. The name and race of each qualified applicant should be forwarded to the Court Compliance Officer and the Chief Desegregation Implementation Officer. The school system shall retain the names, race and addresses of the qualified applicants for each administrative or supervisory position for a minimum of three years.

Qualified applicants should then be reviewed and evaluated by a committee which includes the immediate supervisor of the open position, the chief desegregation implementation officer and at least 2 other interviewers. Where the immediate supervisor is the Superintendent, the Superintendent or his designee may serve on the committee.

Until such times as the racial diversity goals are met, if any of the qualified applicants are Black, the Black applicant should be recommended for the open position. If the Superintendent chooses not to recommend a Black applicant because a more qualified non-black applicant has timely applied, the name of the proposed applicant as well as written reasons as to why a Black applicant was not recommended must be submitted to the Court Compliance Officer and the Chief Desegregation Implementation Officer at least 5 working days prior to the school board's personnel committee and at least 7 working days prior to Board approval. If the Compliance Officer is unavailable, the notice shall be sent to the attorneys for the plaintiff.

The Court Compliance Officer shall notify the Superintendent in writing at least 2 days prior to any Board meeting if the Court Compliance Officer has received any objections from the Black applicants or the plaintiffs attorneys regarding the position or if further investigation is needed regarding the hire for the position. After receipt of the objections of the Compliance Officer, the Superintendent shall review the objections and respond to said objections in writing prior to formal recommendation to the school board for hiring.

The School system shall submit a report to the court, the plaintiffs' attorneys, the Compliance Officer and the Chief Desegregation Implementation Officer on a quarterly basis listing the name, race and position of each person hired for all supervisory and administrative positions. Where a Black applicant was not hired, the report shall list all black applicants who applied and were not

hired for the position, any questions raised by the court compliance officer, or by plaintiff's attorneys and the response of thereto by the Superintendent.

The parties shall review these reports and consult with each other to make a determination as to whether the Superintendent of the Tangipahoa Parish School System is making progress toward obtaining the goals of racial diversity. In the event, the court compliance officer and the plaintiffs' attorney determine that a good faith effort to comply with this Order is not be being made by the superintendent of schools and/or the school board, the Compliance Officer and/or the attorneys for the plaintiff may seek appropriate relief from the court for corrective action. The procedure does not prevent the Compliance Officer from proceeding with investigations or from requesting appropriate court action when a complaint has been filed.

It is understood by and between the parties that the foregoing hiring procedures are a remedy in accordance with prior court orders concerning hiring, and these procedures shall terminate at such time as the diversity goals outlined above are met. Upon expiration of this policy, the parties and the Court Compliance Officer shall conduct a bi-annual review of the percentage of administrators and supervisors employed by the school system in each category to assure that employment gains are maintained to the extent practicable.

This policy in is entirety shall terminate upon the entry by the court of an order declaring the school district unitary in the area of employment and assignment of supervisors and administrators.

This procedure will not affect the rights of individual applicants to file a grievance pursuant to the Court order or to pursue other remedies under law, including but not limited to Title VII and 42 U.S.C. 1983.

ADVERTISMENT OF SCHOOL SYSTEM POSITIONS

The school shall employ the following procedure for advertisement of all positions including teachers and supervisory personnel:

When placing an advertisement for a position, every effort should be made to see that all advertisements reach a diverse population. It is important that jobs are posted appropriately. All advertisements should be posted and the 1st notice placed in the local newspaper at least 15 days prior to the to the Superintendent's recommendation to the Board.

The Superintendent or his designee shall advertise for the positions by:

1) Posting notice of the position including the job description, including the criteria required to perform the description and the minimum qualifications, salary, application deadlines and procedures and closing date at the School Board Central Office. The notice shall be placed on the school board web site and listed in the School Board Newsletter until the deadline for applications has passed;

2) Placing an advertisement in the local newspaper. Said advertisement shall run at least 3 times in a 15 day period. Advertisements for Superintendent and Chief level jobs shall also run at least once in a local major Louisiana newspaper;

3) Identifying and notifying Historically Black Colleges and Universities of the vacant positions through their various placement offices or appropriate web sites; and

5) Also identifying and notifying other possible sources of potential candidates, such as professional associations, job boards and placement offices of colleges and universities.

In addition, the Superintendent shall maintain a listing of all black persons employed who are certified by the state to be employed in supervisory and administrative positions and the superintendent shall send written notice via email or other procedure to qualified Black persons employed by the school system when a position becomes open.

The school system shall maintain records of and proof of all notices and advertisements for the positions for a period of at least three years.

New Orleans, Louisiana this 15th day of January, 2010.

IVAN L.R. LEMELLE
UNITED STATES DISTRICT JUDGE