

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

OLESS BRUMFIELD, et al.,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
UNITED STATES OF AMERICA,	)	Civ. A. No. 71-1316
	)	
Plaintiff-Intervenor,	)	Judge Ivan L.R. Lemelle
	)	Magistrate Judge Joseph C. Wilkinson Jr.
v.	)	
	)	
WILLIAM J. DODD SUPERINTENDENT OF	)	
PUBLIC EDUCATION, et al.,	)	
	)	
Defendants.	)	

**UNITED STATES’ MEMORANDUM IN RESPONSE TO  
THE COURT’S SEPTEMBER 18, 2013 ORDER**

This brief addresses the two questions posed by the Court in its September 18, 2013 order (Record Doc. No. 212) (“September 18 Order”): (1) Does the desegregation order issued in this case “apply to the State of Louisiana’s Student Scholarships for Educational Excellence Program so as to require the State to obtain authorization from the Court prior to implementation?”; and (2) If the desegregation order applies to the Program, is there any need to amend existing orders to ensure a process of review of the Voucher Program or similar ones in the future? *Id.* at 1-2.

In response to the first question, the United States submits that the orders in this case apply to the State of Louisiana’s funding and assignment of students to schools through the Louisiana Scholarship Program (formally named the “Student Scholarships for Educational Excellence Program” and hereinafter, the “Voucher Program”). The orders in this case require the State to provide information about State assistance and the assignment of students to schools that participate in the Voucher Program (“voucher schools”) in a timely manner, to enable the

United States to evaluate whether the State's actions are consistent with its obligations in this case. Those obligations prohibit the State both from providing assistance to racially discriminatory or racially segregated schools *and* from taking action through its aid to private schools that impedes or frustrates desegregation in the more than 30 school systems that are still subject to federal desegregation orders. In response to the second question, the United States requests that this Court tailor the existing orders to make express the process for disclosing and reviewing information about the Voucher Program, as outlined further below.

This long-standing case is about the State's provision of assistance to private schools in a manner that impedes desegregation efforts across the state. In 1971, after piecemeal federal challenges proved ineffective in addressing the systemic interference with desegregation created by State assistance to private schools, black families, on behalf of all black public schoolchildren within Louisiana, sought this Court's assistance.

In 1975, this Court issued an order to ensure that the State did not take action to support racially discriminatory or racially segregated private schools and thereby interfere with the desegregation of public schools. In 1985, this Court instituted a specific compliance process for the State to provide information for review by the United States and private plaintiffs. For more than 25 years, the State cooperatively engaged with the United States and private plaintiffs to provide such information and to resolve any concerns or objections that arose, obviating the need for assistance from the Court. The process created by the Court was effective in enabling the United States to ensure that the State was neither funding discriminatory private schools nor impeding the desegregation of public schools in the State.

In April 2012, Louisiana instituted the Voucher Program statewide, through which the State plays a direct and significant role in funding and assigning students from public schools to

voucher schools. Since that time, the State's cooperation with the United States under *Brumfield* has largely ceased, and the United States has twice been forced to ask for this Court's assistance.

The State does not dispute that the court orders in this case, including the permanent injunction issued by this Court banning State assistance to private schools that results in racial discrimination or racial segregation, remain in place. Nor does the State dispute that the type of action the State is undertaking here — providing assistance to voucher schools — falls within the scope of this Court's orders. Instead, the State claims that its obligations are limited to providing information only about the private schools to which it provides assistance, and that it is not required to provide information on the effect of that assistance on Louisiana public schools that remain under desegregation orders. It further claims that the United States has not demonstrated that the Voucher Program violates the orders in this case.

The United States has not determined — and, indeed, cannot determine unless and until the State provides the requested information in a timely manner — whether the State is in compliance with this Court's orders. The United States' requests for information in this case are not an attack on the Voucher Program; indeed, as the United States has repeatedly stated, it does not oppose the Voucher Program and has not asserted that a voucher program is inherently incompatible with the State's obligations in this case.

At this juncture, this Court's inquiry is limited to whether the orders in this case apply to State assistance to voucher schools and the assignment of students from public schools to voucher schools. The United States believes that the answer to that question is an unequivocal yes: These orders require the State to disclose information about its funding and assignment of students from public schools to voucher schools. The United States simply asks this Court to tailor its orders to establish an orderly and timely process for the United States to receive the

information necessary to ensure that the State’s funding and reassignment of students to voucher schools comports with the State’s existing legal obligations.

**I. The Orders in This Case Apply to the State’s Funding and Assignment of Students to Voucher Schools.**

**A. The Voucher Program Is State Assistance as Contemplated by *Brumfield*.**

The orders in this case apply to State assistance to private schools through the Voucher Program. Since April 2012, the State — not parents, and not local school boards — has decided each child’s assignment in the Voucher Program. Indeed, the State controls all aspects of the Voucher Program; it determines student eligibility, qualifies voucher schools, accepts applications, “places” students at voucher schools, and makes payments to the participating schools. 2012 La. Acts No. 2 (hereinafter “Act 2”) § 4015.<sup>1</sup> The State assigned nearly 6,800 students to voucher schools in the 2013-2014 school year, a nearly 40% increase from the 2012-2013 school year. Def.’s Mem. in Opp. at 12 (Record Doc. No. 232-2) (citations omitted) (hereinafter “Def.’s Mem.”); Declaration of John White at ¶¶ 11-12 (Record Doc. No. 232-3). The State is directly supporting about 125 schools through the Voucher Program in the 2013-2014 school year, and expects to expand the Voucher Program each year.<sup>2</sup>

The State concedes that its assignment of students and the direct provision of financial assistance to voucher schools across the State falls squarely within the scope of this Court’s 1975 order. *Brumfield v. Dodd*, 405 F. Supp. 338, 349 (E.D. La. 1975) (hereinafter, “*Brumfield I*” or “1975 Order”). Moreover, the State legislation creating the Voucher Program expressly references this case and requires that each voucher school be certified according to this Court’s

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<sup>1</sup> The State assigns students to fill available seats at voucher schools, using a lottery process when necessary. After completing the lottery, parents and students are notified “whether they have been awarded a scholarship and placed at a particular participating school.” Act 2, at § 4015(4).

<sup>2</sup> See Melinda Deslatte, *Voucher Program Grows by 1,800 Students This Year*, ASSOCIATED PRESS, Oct. 21, 2013 (attached hereto as Exhibit A) (“We feel good about the program. We do expect it to continue to increase year after year,” said education department spokesman Barry Landry.”).

existing orders: The Act states that private schools accepting students that the State assigns through the Voucher Program “must comply with, inter alia, the criteria set forth in *Brumfield*.” Act 2, § 4021.<sup>3</sup> The State agrees that — as has been the practice for nearly 30 years — it must provide information on the private schools to which it provides State assistance.<sup>4</sup> That acknowledgement that the Voucher Program falls squarely within the scope of this Court’s 1975 Order should end the inquiry regarding Question 1.

**B. The Orders in This Case Address State Action That Frustrates and Impedes Desegregation Efforts.**

Although the State does not dispute that its action in providing assistance to private schools falls within the ambit of this Court’s orders, it nonetheless claims that those orders require the State only to provide information about the private schools. The State argues that the orders are inapplicable to the State’s own actions in funding and assigning students from public schools to voucher schools. This cramped reading of the Court’s orders disregards the systemic problems that these orders were intended to address, as well as the history and context in which this case arose. This case was brought to ensure that State assistance to private schools would not impede the desegregation of Louisiana’s public schools after it became clear that challenging the State’s actions through piecemeal desegregation lawsuits was ineffective. As a result, this case is properly understood to encompass both the State’s direct provision of assistance and assignment of students from parish schools to voucher schools and the impact of that state action on desegregation efforts across the State.

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<sup>3</sup> In addition, participating schools are “subject to any court-ordered desegregation plan in effect for the school system in which the public school is located,” *id.* at § 4013(3), demonstrating that the State legislature anticipated possible conflicts with desegregation orders covering local school districts and thus formulated a means to ensure compliance with those desegregation orders. *See also* Def.’s Mem. at 4 (Record Doc. No. 232-2) (“The statute governing the Scholarship program was crafted to respect this Court’s injunction.”).

<sup>4</sup> It remains critical that the United States monitor State assistance to private schools, pursuant to the orders in this case, to evaluate whether they are racially discriminatory or racially segregated. Based on available information, a majority of students participating in the Voucher Program for the 2012-2013 and 2013-2014 school years attended and/or attend schools where 90% or more of the students enrolled are of the same race.

Through its orders in this case, this Court sought to remedy a straightforward evil: State interference with parish-level desegregation processes via State support of private schools. The complaint, which was filed by black parents of public school students on behalf of all black schoolchildren in the state of Louisiana, made clear that the interference with public school desegregation was at the heart of the parents' concerns. *See* Compl. at ¶ 1 (Record Doc. No. 1) (“This is an action brought pursuant to 42 U.S.C. § 1983 by plaintiffs, on their own behalf and on behalf of all other similarly situated, to enjoin the transfer of textbooks, schools materials and services to non-public schools whose policies or practices effectively exclude black students from admission or otherwise discriminate on the basis of race *and/or whose operations tend to deprive students attending public schools in the locale of a racially integrated education.*” (emphasis added)). The United States' Complaint in Intervention addressed the same harms. *See* ¶¶ 6-7 (Record Doc. No. 61) (challenging State assistance to private schools as “support[ing] private racial discrimination and . . . reinforc[ing] and perpetuat[ing] the dual school system in the State of Louisiana”).

The 1975 Order further demonstrates this Court's intent to remedy the effect of the State's actions in funding private schools on the continued desegregation of Louisiana public schools. The 1975 Order permanently enjoined the State and certain local school boards from providing assistance to private schools in ways that further or support discrimination. *Brumfield I*, 405 F. Supp. at 349. The Court performed detailed analyses of the impact of State assistance on desegregation in six different school districts. *Id.* at 342-46. Further, the Court ruled that “[t]he operation of the [private] academies has significantly interfered with the integration of the public schools,” *id.* at 346 (addressing Madison Parish), and “undermin[ed] the effectiveness of the court orders” requiring desegregation, *id.* at 342; *see also Brumfield v. Dodd (Brumfield II)*,

425 F. Supp. 528 (E.D. La. 1976) (assessing the impact of State funding on public school desegregation in review of the certification of private schools in this case).

To address these systemic problems, this Court not only barred State support to racially discriminatory schools, but it also instituted a process requiring the State to (1) regularly disclose relevant and substantial information in a timely manner to the private plaintiffs and the United States for review, and (2) certify private schools receiving State assistance as nondiscriminatory. Upon reviewing the information, the United States and private plaintiffs had the option of seeking judicial review of the State's certifications. *See Brumfield I*, 405 F. Supp. at 349. Additionally, this Court expressly "retain[ed] continuing jurisdiction of this cause for the purpose of issuing such further and supplemental orders as may be necessary to effectuate the intent of the foregoing." *Id.* at 350. This continuing process was ordered to ensure that the aims of this Court's order would be fulfilled in the future.

This Court's order was necessary because the State and local school boards had repeatedly frustrated desegregation of the public schools. For example, after a Louisiana law providing direct tuition grants to students fleeing to segregated private schools<sup>5</sup> was struck down, *Poindexter v. Louisiana Fin. Assistance Comm'n*, 275 F. Supp. 833, 835 (E.D. La. 1967), *aff'd*, 389 U.S. 571 (1968), the State continued to provide assistance to the segregated schools by providing textbooks and student transportation. *See Brumfield I*, 405 F. Supp. at 342.

Against this history, the Court instituted a single, statewide process that would effectively ensure that the State would no longer use assistance to private schools to frustrate the desegregation obligations of the public schools. Before the *Brumfield* case was filed, Plaintiffs in several local desegregation actions successfully obtained injunctions barring the State and/or

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<sup>5</sup> La. Rev. Stat. Ann. §§ 17:2951 – 2959 (1962) (repealed 1972).

local school boards from aiding segregated private schools and thus undermining local desegregation orders.<sup>6</sup> But these piecemeal actions in individual school districts proved to be ineffective in stopping the State from impeding the desegregation of the public schools. *See, e.g., Plaquemines*, 291 F. Supp. 841; *Graham*, 484 F.2d 649. The Court’s statewide remedy in this case was therefore intended to strike at the root of the problem in the most effective way possible.

This Court has issued supplemental orders “necessary to effectuate” its intent. In 1985, after the United States raised concerns about the State’s review and certification process, this Court approved a consent decree establishing a more specific compliance process for the State to provide information for review by the United States and private plaintiffs.<sup>7</sup> Significantly, the 1985 Consent Decree authorizes the United States and private plaintiffs to request additional information as relevant to their monitoring responsibilities. Consent Decree at ¶ 9, Jun. 10, 1985 (Record Doc. No. 182) (hereinafter “1985 Consent Decree”). The process was put in place, and has in fact served, as a prophylactic measure to ensure that the State did not continue to provide,

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<sup>6</sup> *See, e.g., Brumfield I*, 405 F. Supp. at 343 (describing order against Washington Parish School Board); *U.S. by Clark v. Plaquemines Parish Sch. Bd.*, 291 F. Supp. 841, 850 (E.D. La. 1967) (enjoining provision of furniture, materials, and books to private segregated white academies, and “any other action or actions which in any way interfere with the performance of the constitutional duty of the defendant School Board to provide equal opportunities to all students”), *modified sub. nom. Plaquemines Parish Sch. Bd. v. U.S.*, 415 F.2d 817 (5th Cir. 1969); *Graham & U.S. v. Evangeline Parish School Board*, 484 F.2d 649, 650 (5th Cir. 1973) (State and local school board’s assistance to private segregated schools was “frustrating” the desegregation of the public schools in the Parish); *cf. Moses & U.S. v. Washington Parish Sch. Bd.*, 379 F.3d 319, 320 (5th Cir. 2004) (noting the trial court’s finding that “it is obvious to the Court that the effect of the aforementioned [State] aid to this private racially segregated school constitutes a public encouragement of private discrimination which has the effect of diluting and frustrating our efforts to integrate this public school system in Washington Parish.”).

<sup>7</sup> Prior to the 1985 Consent Decree, the United States had concerns about the State’s review and certification process. *See* Letter from W. Bradford Reynolds, Assistant Attorney General, U.S. Dep’t of Justice, Civil Rights Div. to David A. Hamilton, Gen. Counsel, Legis. and Legal Aff., Louisiana Dep’t of Educ. (Jun. 15, 1984) (attached as Exhibit B). At that time, the United States proposed additional procedures to ensure the State complied with the Court’s orders in this case. *Id.* These discussions led to the Court’s entry of a new Consent Decree requiring, among other things, that the State retain all records and files; allowing for copies of any other documents to be provided by the State upon request; and providing that the United States and private plaintiffs could inspect State records and request that the State supplement those records by “obtaining additional information or notarized information from applicants for certification or from certified private schools.” 1985 Consent Decree at ¶9 (Record Doc. No. 182).

or resume providing, assistance to racially discriminatory or segregated private schools, or otherwise use State funds, in a manner that interferes with ongoing efforts to desegregate Louisiana's public schools.

Moreover, earlier this year, this Court exercised its continuing jurisdiction to require the State to produce information about its implementation of the Voucher Program. The Court noted the relevance of that information to the United States' monitoring duties in this case.<sup>8</sup> As these supplemental orders make clear, evaluation of whether the State's actions impede the desegregation of the public schools falls well within the scope of this Court's original orders in this case.

The State does not dispute that the 1975 Order, the 1985 Consent Decree, and the review and approval process that was instituted in accordance with those orders all remain in place. And as noted above, the State agrees that those orders apply to the assistance it is providing to schools through the Voucher Program. Yet, despite the breadth of the Court's orders, and the State's history of providing assistance to private schools in a manner that supported discrimination and evaded the purpose of *Brown v. Board of Education*, 347 U.S. 483 (1954), Louisiana now disavows any obligation to avoid using public funds in a manner that frustrates or impedes the continued desegregation of the State's public schools. *See* Def.'s Mem. at 15-16, 31-32 (Record Doc. No. 232-2).

The State advocates for a restrictive and ahistorical reading of the 1975 Order and 1985 Consent Decree, reducing them to "a single primary command" not to provide resources to

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<sup>8</sup> *See* Order Granting Mot. to Compel Disc. Resp., Jan. 30, 2013, at 6-7 (Record Doc. No. 192) ("[t]he subject discovery appears relevant to whether the educational benefits available under Louisiana's new voucher program comply with the *Brunfield* orders and Consent Decree"); *id.* at 3-4 ("[i]n its interrogatories and requests for production that are the subject of this motion [to compel], the United States seeks 'additional information,' as contemplated by Paragraph 9 of the [1985] Consent Decree, relevant to determining whether the new statewide educational voucher program . . . complies with this court's orders").

discriminatory or segregated private schools. *See* Def.'s Mem. at 10 (Record Doc. No. 232-2) ("The injunction's only applicable requirement mandates that private schools participating in the program must be *Brumfield*-certified."). But this assertion ignores the intent of the Court's permanent injunction and this Court's express retention of jurisdiction to issue such orders as "necessary to effectuate" that intent. *Brumfield I*, 405 F. Supp. at 350. It also ignores the prophylactic nature of the 1975 Order and the 1985 Consent Decree, which together went beyond merely banning State support of segregated schools and instituted a continuing process by which those aims would be assured.

It is particularly appropriate to apply the Court's orders in this case to ensure that the State does not take action to frustrate or impede desegregation in the Louisiana public schools that remain under desegregation decrees. By assuming a direct and controlling role in the assignment of students to voucher schools, the State has supplanted the role of local school boards in the student assignment process. The State does not appear to inform local school districts that are under desegregation orders prior to reassigning students to voucher schools; thus, these local school districts are not able to assess the impact of those State assignments. Robert Hammonds, the "counsel of record for several public school districts operating under federal school desegregation plans/orders," avers: "[T]he loss by those public school systems of students enrolling in private schools with state funding through the Voucher Program has occurred without prior consultation with or notice to the administrations of the various public school systems." *See* Decl. of Robert L. Hammonds, at ¶ 9 (Attached hereto as Exhibit C). Hammonds further avers: "I was not contacted by the State, the Louisiana Department of Education, or the State Superintendent prior to or after implementation of the Voucher Program about . . . the impact the voucher and student assignments might have or did have on the efforts

of the school districts to implement those plans.” *Id.* at ¶ 10. In assuming a role with regard to student assignment that is traditionally played by local school districts, the State must be held accountable for actions it takes that impede the districts’ achievement of their desegregation obligations.<sup>9</sup>

The State repeatedly characterizes “[a]ny effect” the Voucher Program may have on efforts to desegregate Louisiana’s public schools as “purely incidental.” Def.’s Mem. at 30 (Record Doc. No. 232-2); *see also id.* at 16, 21, 23. Yet the State has instituted a student assignment process without regard to the carefully crafted desegregation orders in place in parishes across the State. The impact of the Voucher Program on the desegregation of schools in those parishes is not an incidental but a direct effect, and one that is entirely within the State’s power to control.<sup>10</sup> Hammonds Decl. at ¶ 8 (stating that “the loss of public school students to private schools pursuant to the Voucher Program . . . interferes with the public schools systems’ ability to comply with the extant school desegregation plans/orders under which they operate.”).

For all these reasons, the desegregation order issued in this case applies to the State’s action in implementing the Voucher Program, and a process must be instituted for the State to provide the information that is needed to enable the United States to continue its monitoring responsibilities. The United States can then, upon review and assessment of that information,

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<sup>9</sup> Moreover, States generally cannot take action that impedes a school district’s ability to comply with desegregation orders. *See, e.g., Missouri v. Jenkins*, 495 U.S. 33, 57-58 (1990) (“where (as here) it has been found that a particular remedy is required, the State cannot hinder the process by preventing a local government from implementing that remedy”); *North Carolina Bd. of Ed. v. Swann*, 402 U.S. 43, 45 (1971) (“However, if a state-imposed limitation on a school authority’s discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.”); *Valley v. Rapides Parish Sch. Bd.*, 646 F.2d 925, 944 (5th Cir. 1981) (“state officials are bound through the supremacy clause by a federal court’s desegregation order, regardless of whether they acted in good faith or pursuant to a nondiscretionary duty”).

<sup>10</sup> If what the State means by “incidental” is that the effect of the program is “minimal,” then the United States submits, as noted above, that the information that it has been requesting is necessary to determine the answer to that question for the past two school years. Of course, as the Voucher Program continues to grow, *see supra* note 2, it will be even more important to monitor whether it impedes desegregation efforts.

engage with the State to resolve any concerns and assure that the issues animating this case from its inception are addressed.

**C. The State Seeks to Needlessly Litigate Matters Not Presented.**

The State's brief is replete with unsupported assertions and misrepresentations regarding the relief sought by the United States. Instead of directly responding to the questions raised by this Court, the State attempts to use its brief as a platform to argue matters that are irrelevant to the issues presented.

First, this Court's inquiry is limited to whether the orders in this case apply to the State's funding and assignment of students to voucher schools, not — as the State repeatedly but incorrectly suggests — whether the State has violated the Court's orders in this case or the United States Constitution. *See* Def.'s Mem. at 17-18, 23-26, 30-37 (Record Doc. No. 232-2). The United States cannot determine whether the State is in compliance with this Court's orders (or the Constitution) unless and until the State timely provides the information that the United States has requested and continues to request through this filing.

Second, the State argues that its Voucher Program does not discriminate on the basis of race and does not impede the desegregation of Louisiana public schools, and that the United States therefore is not entitled to the relief it requests. *See* Def.'s Mem. at 18, 23-26, 30-37 (Record Doc. No. 232-2). Again, the United States lacks the appropriate information necessary to determine whether Louisiana's Voucher Program discriminates or impedes desegregation. Once the United States receives the information that it has requested in a timely manner through the process proposed here, it will be able to assess whether the Voucher Program, as implemented, impedes desegregation or otherwise discriminates in Louisiana schools, and will

be able to work with the State to address any issues, as it has consistently done with local school districts under existing desegregation orders.

Third, the State asserts that this Court may not enjoin the Voucher Program because it was authorized by a neutral State law that was not enacted with discriminatory intent. Def.'s Mem. at 23-26 (Record Doc. No. 232-2). However, the United States has not challenged the State law and has not asked that the Court enjoin the Voucher Program.<sup>11</sup> The United States does not oppose the State law or the Voucher Program and has not asserted that either is inherently incompatible with the State's obligations in this case or with federal law. Instead, the United States is seeking to ensure compliance with this Court's orders and the State's desegregation obligations.

Fourth, the State argues that this Court lacks authority to require "preclearance" of the State's implementation of its Voucher Program. *See* Def.'s Mem. at 26-30 (Record Doc. No. 232-2). The State again mischaracterizes the United States' position. The United States is not seeking "preclearance" of the State law or the Voucher Program. Unlike in a preclearance regime, where a jurisdiction is not free to implement a change in existing law without first seeking "preclearance" from the Department of Justice or the approval of a federal court, Louisiana is *free to implement* the Voucher Program. Here, the United States is requesting that, *as it implements the Program*, the State provide sufficient, timely information to enable the

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<sup>11</sup> *See* Pl. Intv. Mem. at 2 (Record Doc. No. 203-1) ("At this time, the United States is not asking that this Court enjoin the State from awarding any school vouchers"); Pl. Intv. Supp. to Mot. for Fur. Rel. at 1 (Record Doc. No. 213) ("[The] United States is neither opposing [the State's] school voucher program nor seeking to take vouchers away from any students who have received them. Rather, the United States is simply seeking this Court's assistance in ensuring that the information Louisiana collects in connection with its school voucher program is provided to the United States in a timely fashion and that Louisiana implements its program in full compliance with federal law, including the desegregation order in this case."); *id.* at 3 ("To the extent this Court determines it appropriate to resolve those two questions [being briefed here] in the affirmative, and a schedule is put in place to facilitate compliance and the timely sharing of school voucher program data and analysis by Louisiana as requested by the United States, it is the position of the United States that the relief sought by the August Motion will have been satisfied.").

United States to evaluate whether the Voucher Program is consistent with existing orders. The United States plans to review that information and to work cooperatively with the State to resolve concerns and objections related to the provision of State assistance and any proposed assignments.

Finally, this is not a new lawsuit; rather, this is a long-standing case in which the Court clearly has the authority to effectuate its existing orders, which the State does not dispute remain in place. As a result, the State's arguments that the Court is powerless to enter the relief requested by the United States are unavailing.<sup>12</sup>

**D. Adjudicating These Issues Through This Action Serves Judicial Economy and the Purposes of This Case.**

As discussed above, the Court's existing orders provide for the relief the United States is seeking and dictate that the issues presented by the Voucher Program be adjudicated in this case. Importantly, this resolution accords not only with the underlying purposes of *Brumfield* but also with the principles of judicial economy. As in 1975, and then again in 1984-1985, the most efficient way to ensure that the State complies with federal law, and does not frustrate or impede the desegregation of Louisiana's public schools, is for this Court to develop a process to enable the United States and private plaintiffs to review implementation of the Voucher Program.

The State nevertheless suggests that the United States should, instead of asking this Court to effectuate its own orders requiring the provision of information from the State, seek relief from the courts administering local desegregation orders. *See* Def.'s Mem. at 18-21 (Record Doc. No. 232-2). This contention ignores the history of this case. Just as it was in the 1970s, it would be inefficient and ineffective to attempt a piecemeal solution to address concerns about

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<sup>12</sup> Moreover, the State's discussion of *Milliken v. Bradley*, 418 U.S. 717 (1974), and *United States v. Texas*, 457 F.3d 472 (5th Cir. 2006), is misplaced. *See* Def.'s Mem. at 5-6, 23-26 (Record Doc. No. 232-2). Neither case limits this Court's authority to enforce its own orders.

State action in the form of State assistance to private schools. As noted above, the State has exclusive control over the operation of the Voucher Program: It is the State that assigns students to voucher schools across Louisiana without regard for the desegregation orders in place in about half of the parishes, despite the fact that these orders commonly contain specific provisions regulating student assignment. While the State's actions certainly implicate the obligations of school boards that are the parties to school desegregation cases, many school boards do not receive information about which students (who otherwise would be assigned to schools within those parishes) applied for and/or are receiving vouchers. *See* Hammonds Decl. at ¶ 9.

Moreover, attempting to ensure that the State's implementation of its Voucher Program complies with federal law and court orders via repetitive filings in up to 35 desegregation cases<sup>13</sup> throughout the State would undermine judicial economy and create significant inconveniences for the courts and the parties — including the State. The State itself decries the inefficiency and burden of that suggestion: “Requiring the State to file motions in two dozen separate cases, asking federal judges [to] review and approve over a thousand scholarship awards, would impose an all but impossible burden, particularly in view of the limited period of time between the issuance of awards in the spring and summer and the beginning of the school year in August.” Def.'s Mem. at 29 (Record Doc. No. 232-2). Here, the United States and the State are

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<sup>13</sup> The 23 Louisiana school districts under federal desegregation orders to which the United States is a party are: St. John the Baptist Parish, St. Tammany Parish, Point Coupee Parish, St. James Parish, Plaquemines Parish, Bossier Parish, Caddo Parish, Jackson Parish, Claiborne Parish, Concordia Parish, Richland Parish, Lincoln Parish, Bienville Parish, LaSalle Parish, DeSoto Parish, Avoyelles Parish, Monroe City, Catahoula Parish, Sabine Parish, West Carroll Parish, St. Martin Parish, St. Helena Parish, and St. Mary Parish. Franklin Parish attained unitary status on August 6, 2013 and student assignment is no longer an open factor under the Caddo Parish desegregation order.

The following 12 Louisiana school districts may be under desegregation orders in cases where the United States is not a party: Calcasieu Parish, City of Bogalusa, East Feliciana Parish, Jefferson Davis Parish, Jefferson Parish, Lafourche Parish, Natchitoches Parish, Tangipahoa Parish, Terrebonne Parish, Union Parish, Washington Parish, and Winn Parish.

This list varies from that provided in the United States' August 22, 2013 Motion for Further Relief to reflect information obtained since that time. Because the United States lacks full information on cases to which it is not a party, this list may contain errors.

in agreement: It is in the interests of all parties to adjudicate issues related to the statewide program via this case in which the State is a party.

**II. To Effectuate the Intent and Remedies of the Orders in This Case, the Court Should Expressly Create a Process and Schedule for Disclosing Information About the Voucher Program.**

**A. The United States Seeks a Process to Enable Review and Monitoring That Has Worked Effectively in This Case for Nearly Thirty Years.**

The United States requests that this Court tailor its orders to implement a process modeled on the process set forth in the 1985 Consent Decree to ensure the continued and timely receipt of appropriate information. The 1985 Consent Decree requires that each private school seeking State assistance complete an “Exhibit A” form annually that contains, *inter alia*, student enrollment by race, faculty and staff employment by race, scholarship and tuition waiver information, athletic league participation, admissions policy, and details regarding efforts to recruit students. Record Doc. No. 182 at 4-6. The State sends the Exhibit A forms to the private plaintiffs and to the United States on an annual basis. The private plaintiffs and the United States then have the opportunity to review and object to any private school’s certification under *Brumfield* **before** the State provides assistance to any private school in the coming school year.

The United States has routinely raised questions or concerns with the State regarding information contained in the Exhibit A forms. The State’s assertions to the contrary (*see* Def.’s Mem. at 4, 9, 17 (Record Doc. No. 232-2)) are incorrect. In fact, the primary point of contact for the State in this case from 1987 to 2007 indicates that he worked cooperatively with the United States to resolve the questions, concerns, and objections regularly raised by the United States; in some instances, the objections raised by the United States resulted in deferring or denying certification to schools. *See* Declaration of Gary Reed at ¶¶ 1-2; 8-9 (Attached hereto as Exhibit D); *see also* White Decl. at ¶ 5 (Record Doc. No. 232-3) (explaining that during *Brumfield*

review “[i]f the U.S. raises a question or concern about a particular school, the [State] Department [of Education] works with the school and the U.S. to ensure that all concerns are addressed”). Since the 1985 Consent Decree was entered, the United States and the State have been able to work together to amicably resolve all of the United States’ concerns and objections.

However, for the past two years, the State has failed to produce to the United States timely information and data concerning its funding and assignment of students to voucher schools. *See generally* Order Granting Mot. to Compel Disc. Resp., Jan. 30, 2013 (Record Doc. No. 192); Pl. Intv. Mem. at 2-5 (Record Doc. No. 203-1). As a result, the United States has been unable to assess whether the State’s assignment of students to voucher schools complies with court orders. Therefore, to protect the continuing vitality of the Court’s existing orders, the United States requests that this Court set forth an explicit process that will enable the United States to resume monitoring the State’s compliance with its obligations in this case.

This is not the first time that the United States has requested that this Court institute a process for State compliance with the existing orders in this case. In 1984-1985, the United States determined that the provisions of the existing orders did not effectively ensure State compliance with the injunction in this case. In 1984, the United States proposed a process for compliance (*see* Ex. B) that led to this Court’s entry of the 1985 Consent Decree. The 1985 Consent Decree, among other things, required the State to retain all records and files and provided that the United States and private plaintiffs could inspect State records and request that the State supplement those records with “additional information.” 1985 Consent Decree at ¶ 9 (Record Doc. 182).

As was true when it entered the 1985 Consent Decree, this Court has broad remedial powers to institute an express process tailored to effectuate the existing orders in this case. As

courts have long noted in desegregation cases, “[t]he peculiar problems posed by school cases have required courts to exercise broad and flexible remedial powers.” *United States v. Hall*, 472 F.2d 261, 266 (5th Cir. 1972); *see also Brown v. Plata*, 131 S. Ct. 1910, 1944 (2011) (“Once invoked, ‘the scope of a district court’s equitable powers . . . is broad, for breadth and flexibility are inherent in equitable remedies.’”) (internal quotation marks omitted) (quoting *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 15 (U.S. 1971)). Courts have the authority in desegregation cases to issue follow-up orders “tailored to the exigencies of the situation and directed to protecting the court’s judgment.” *Hall*, 472 F.2d at 266.

Therefore, the United States once again asks this Court to institute a streamlined and orderly process for the State to provide information on its assignment of students to voucher schools in a timely manner, as set forth below, to facilitate State compliance with the existing orders in this case. The proposed process does not pose an onerous burden and is analogous to the process set forth in the 1985 Consent Decree. It is clearly authorized as part of this Court’s continuing jurisdiction to issue supplemental orders to “effectuate the intent” of the 1975 injunction. *Brumfield I*, 405 F.Supp. at 350.

The United States is not asking this Court to require the State to obtain judicial approval before implementing the Voucher Program as a whole. Instead, the United States requests, as outlined below, that the State provide information on the students it *intends* to assign to voucher schools 45 days prior to finalizing the assignments and notifying families. The United States anticipates that it will then work amicably with the State, as it has for decades, to resolve any concerns regarding the proposed voucher assignments. If the United States and the State are unable to reach a resolution, the United States will seek assistance from this Court.

**B. The United States' Proposed Process of Review**

The United States respectfully asks this Court to amend the orders in this case as follows:<sup>14</sup>

1. Louisiana will provide to the United States, prior to the 2014-2015 school year and prior to each school year thereafter until further order of this Court, the following information for each applicant to the Voucher Program:<sup>15</sup>

- a. Name
- b. Student ID number
- c. Address
- d. Grade for the upcoming school year
- e. Race
- f. Public school the student would be assigned to attend for 2014-2015 (or the relevant school year) if he or she did not receive a voucher
- g. Public school district for (f), above
- h. Whether the student was assigned to a voucher school the prior school year, and if so, the school to which the student was assigned
- i. Whether the State denied a voucher to the applicant
- j. Reason for denial of voucher, if applicable
- k. Reason, if any for preference in award of voucher (e.g., sibling)
- l. School to which the State intends to assign the applicant through the Voucher Program

The United States requests that the Court direct Louisiana to provide this information for each school year, at least 45 days prior to notifying the applicant of the grant of any voucher school assignment for the subsequent school year.

2. Louisiana will provide to the United States, beginning with the 2014-2015 school year and for each school year thereafter until further order of this Court, the following information for each student who was enrolled in a school pursuant to a voucher:

---

<sup>14</sup> The United States asks that the Court order the State to provide all information requested in this section in a Microsoft Excel spreadsheet, with the delineated data separated by appropriate columns and rows and with a corresponding data dictionary/key.

<sup>15</sup> Almost all this information is already included on the State's Voucher Program application form. *See* Exhibit E. In addition, the United States requests information on all Voucher Program applicants, including those in school districts not operating under federal desegregation orders, in order to review compliance with this Court's orders that apply to private schools.

- a. Name
- b. Student ID number
- c. School to which the student was assigned through the Voucher Program
- d. Parish and local school district where the voucher school is located.

The United States requests that the Court direct Louisiana to provide this information each school year, within 30 days after the date when the final enrollment information for the Voucher Program becomes available, and in any event no later than October 15 of each year.

3. Louisiana will provide to the United States, beginning with the 2014-2015 school year and for each school year thereafter until further order of this Court, the following information for each school district operating under a federal desegregation order:

- a. School district
- b. Names, addresses, and grade levels served by each school in the district
- c. Total enrollment of the district, by race
- d. Total enrollment of each school, by grade level and race

The United States requests that the Court direct Louisiana to provide this information each school year, within 15 days after the date when the final enrollment information for the public schools becomes available to the State, and in any event no later than October 20 of each year.

4. Louisiana will provide to the United States, beginning with the 2014-2015 school year and for each school year thereafter until further order of this Court, an analysis of the voucher enrollments for the current school year with respect to their impact on school desegregation in each school district, and each school within that school district, that is then operating under a federal desegregation order. The United States requests that the Court direct Louisiana to provide this analysis within 30 days after the final school enrollment count, and in any event no later than November 1 of each year.

5. Should the United States have any concerns about the State's compliance with this Court's orders based on the information provided above, the United States will attempt

to work collaboratively with the State, as it has for decades, to resolve the issues. If the United States and the State cannot reach amicable resolution, the United States respectfully requests that this Court adjudicate any disagreements under the auspices of this case.

**III. Conclusion**

For the reasons stated above, the United States respectfully requests that this Court grant the relief sought herein.

Dated: November 15, 2013

Respectfully submitted,

JOCELYN SAMUELS  
Acting Assistant Attorney General

ANURIMA BHARGAVA, Chief  
FRANZ R. MARSHALL, Deputy Chief

s/ Torey B. Cummings  
TOREY B. CUMMINGS (Mass. Bar 664549)  
SARAH HINGER  
United States Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
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Washington, D.C. 20530  
Telephone: (202) 305-4204  
Fax: (202) 514-8337  
[torey.cummings@usdoj.gov](mailto:torey.cummings@usdoj.gov)  
Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2013, a true and correct copy of the foregoing Motion was served on all counsel of record in the above-captioned matter by electronic means through the Court's ECF system.

s/ Torey B. Cummings \_\_\_\_\_

# Exhibit A

## NewsRoom

10/22/13 Times (Shreveport, La.) A3  
2013 WLNR 26504282

Times, The (Shreveport, LA)  
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October 22, 2013

Section: A

Voucher program grows by 1,800

October 22, 2013

BATON ROUGE — Lawsuits, funding concerns and questions about quality haven't stopped the growth of Gov. Bobby Jindal's voucher program.

The program added more than 1,800 students this year, according to the first official tally for the current 2013-14 school year released Monday.

Louisiana Louisiana

The state Department of Education said 6,751 students are enrolled in 126 private schools across the state with taxpayer dollars. Another 24 students have switched to a high-performing public school through the voucher program, for a total of 6,775 enrollments.

That's a 37 percent increase, up from 4,944 students using vouchers at the same point last year, in the first year of the statewide program.

"We feel good about the program. We do expect it to continue to increase year after year," said education department spokesman Barry Landry.

Taxpayer-financed tuition through Louisiana's voucher program, called the Louisiana Scholarship Program, is available to students from low- to moderate-income families who otherwise would attend public schools graded C, D or F in the state's rating system.

New Orleans, where vouchers began as a pilot program five years ago, is home to 40 percent of voucher students, and more than 2,750 students are at private schools with state tax dollars. Nearly 1,300 voucher students are in East Baton Rouge Parish.

The program is estimated to cost the state \$36 million in the current budget year. The price tag is down from initial estimates. About 8,000 students were approved for state-funded tuition to private schools, but enrollments fell short of that number.

Landry said some students chose to stay in their public schools after they didn't get into their first or second choice voucher schools. Also, he said seven schools weren't allowed to enroll new students because of poor student performance. Another school was kicked out of the program.

Vouchers have been the subject of multiple lawsuits since lawmakers in 2012 backed Jindal's proposal to expand a New Orleans-based program to cover the state.

The Louisiana Supreme Court ruled vouchers were unconstitutionally funded through a formula meant for public schools, so lawmakers had to rework the payment for the program.

Another lawsuit still pending in federal court was filed by the U.S. Department of Justice, seeking to bar Louisiana from awarding future vouchers to students who otherwise would attend public schools under federal desegregation orders — until getting federal clearance.

Jindal has pushed the voucher program as offering more choices to parents and students trapped in low-performing schools.

Critics have raised concerns about the quality of some of the private schools taking voucher students, and the incomplete test results that have been released showed mixed results about the performance of students in the program.

**---- Index References ----**

News Subject: (Education (1ED85); Distance Learning (1DI85); Technology in Education (1TE07); Special Education (1SP32); Higher Education (1HI55); Law Schools (1LA69))

Industry: (I.T. Vertical Markets (1IT38); I.T. in Education (1IT61); I.T. (1IT96))

Region: (Louisiana (1LO72); USA (1US73); U.S. Southeast Region (1SO88); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (Bobby Jindal; Barry Landry)

Edition: 1

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End of Document

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**NewsRoom**

# Exhibit B

T. 6/15/84.

WBR:PAM:cth  
DJ 169--0-19

JUN 18 1984

David A. Hamilton  
General Counsel  
Legislative and Legal Affairs  
Louisiana State Department of Education  
P.O. Box 44064  
Baton Rouge, Louisiana 70804

Re: Brumfield et al. v. Dodd et al.,  
Civil Action No. 71-1316

Dear David:

This is in reference to our meeting on June 4, 1984 regarding a procedure to be utilized in determining initial and continued eligibility and regular monitoring of private schools eligible for state assistance under the requirements of Brumfield v. Dodd, 405 F. Supp. 338 (E.D. La. 1975), incorporating the standards set forth in Norwood v. Harrison, 413 U.S. 455 (1972); 382 F. Supp. 921 (N.D. Miss. 1974). It is our understanding that you will recommend to the Board of Elementary and Secondary Education the following procedures:

1. The Louisiana Department of Education (Department) will designate a qualified person to evaluate applications for certification and monitor annual reports from certified private schools.

2. The Department will require that each private school certified as eligible for state assistance submit the following information on an annual basis:

- a. student enrollment and faculty employment statistics by race;
- b. copies of advertisement of nondiscriminatory policy;
- c. a list of all groups and organizations with which the school is affiliated;
- d. a description of efforts made by the school to contact the community to make its non-discriminatory policy known.

cc: Records  
Chrono

Miller  
Trial

Section  
Marshall

PM 6/15/84  
9/10  
6/17/84

-2-

3. The person designated as responsible for evaluating applications and monitoring annual reports will ensure that schools comply with the substantive requirements of the court orders in this matter. For example, a school's nondiscriminatory policy must be advertised in a meaningful manner; an advertisement published in the classified section will not be acceptable.

4. The Department will provide copies of all applications for certification and annual reports within 30 days of receipt to the Department of Justice and to private plaintiffs for concurrence and approval. The plaintiffs will have 45 days to file an objection with the Department.

5. The Department will provide the Department of Justice and private plaintiffs a list of all monies provided to each private school by category of assistance within 30 days of the end of the appropriate fiscal year.

6. The Department will not provide any monies or assistance to any private school which is the subject of any court order or injunction under which any local school district or parish or any other entity is enjoined from providing assistance to the private school because of reasons related to racial discrimination.

It is our understanding from our discussions that the above represents a feasible procedure and that you will recommend approval to Superintendent Clauson so that the matter will be presented to the Board of Elementary and Secondary Education at the next meeting on June 21, 1964. It is also our understanding that this procedure will be incorporated into a formal agreement which we will present to the court. If this is incorrect, please let us know immediately. If we are unable to reach an agreement, we will be forced to consider pursuing this through further litigation.

The Department should be aware that concerns have been raised about the effectiveness of the Brunfield certification process and resulting impediments to the desegregation of the East Baton Rouge Parish public school system. These concerns were recently raised by the school district and the court. Generally, there is a perception that the proliferation of private schools with one race enrollments and the receipt of state funds has seriously and substantially affected, in a negative fashion, the East Baton Rouge Parish school system's

-3-

ability to implement the desegregation plan formulated by the court. Judge Parker has stated that unless the Department of Justice has made significant progress in resolving these matters by the next status conference on August 7, 1984, he is prepared to consider what action through the East Baton Rouge case is required to address the issue. A point was raised at the last status conference that the State is still a party in the East Baton Rouge case.

If our understanding is correct and we are in agreement as to the procedure to be adopted, we should begin drafting our formal settlement documents as quickly as possible. We would appreciate being informed of the Board's decision as soon as possible so that we may inform the court and begin deliberations concerning what action, if any, this Department may wish to initiate. We appreciate your cooperation in our investigation and look forward to resolving this matter in the near future.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Pauline A. Miller  
Attorney  
Educational Opportunities  
Litigation Section

cc: Samuel Thomas  
George Strickler.

# Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

OLESS BRUMFIELD, et al.,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
UNITED STATES OF AMERICA,	)	Civ. A. No. 71-1316
	)	
Plaintiff-Intervenor,	)	Judge Ivan L.R. Lemelle
	)	Magistrate Judge Joseph C.
Wilkinson Jr.	)	
v.	)	
	)	
WILLIAM J. DODD SUPERINTENDENT OF	)	
PUBLIC EDUCATION, et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF ROBERT L. HAMMONDS**

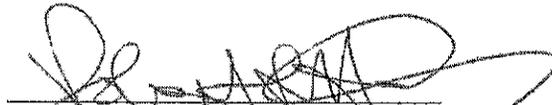
I, Robert L. Hammonds, pursuant to 28 U.S.C. § 1764, hereby declare as follows:

1. I am a lawyer licensed to practice law in the State of Louisiana.
2. I have practiced law for more than thirty-five (35) years in Louisiana.
3. In the course of my practice, I have represented numerous elementary and secondary school districts in Louisiana which have operated pursuant to and implemented court ordered school desegregation plans/orders.
4. I now represent more than fifteen (15) public school districts which are subject to federal desegregation plans/orders.
5. The majority of the desegregation plans/orders contain student assignment provisions.
6. Through the enactment and implementation of the Louisiana Scholarship Program ("Voucher Program"), the State of Louisiana through the Louisiana Department of Education and/or the State Superintendent has begun the process of funding transfers of students to private schools from various public schools and school systems.
7. On or after October 1<sup>st</sup> of each year, the State of Louisiana through the Louisiana Department of Education and/or the State Superintendent notifies each public school system of the number of public school students who have transferred to private schools pursuant to the Voucher Program and the reduction in state funding resulting from such transfers.

8. The loss of public school students to private schools pursuant to the Voucher Program (including the loss of state funding accompanying such students) interferes with the public school systems' ability to comply with the extant school desegregation plans/orders under which they operate. The degree of such interference varies across districts based on the number of students participating in the Voucher Program and the racial demographics of the schools they would be assigned to.
9. It is my understanding and belief that the loss by those public school systems of students enrolling in private schools with state funding through the Voucher Program has occurred without prior consultation with or notice to the administrations of the various public school systems.
10. As counsel of record for several public school districts operating under federal school desegregation plans/orders, I was not contacted by the State, the Louisiana Department of Education, or the State Superintendent prior to or after implementation of the Voucher Program about (1) the mechanics of the student assignment process or (2) the impact the voucher and student assignments might have or did have on the efforts of the school districts to implement those plans.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 13, 2013.



ROBERT L. HAMMONDS, Esq.

# Exhibit D

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA

OLESS BRUMFIELD, et al.,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
UNITED STATES OF AMERICA,	)	Civ. A. No. 71-1316
	)	
Plaintiff-Intervenor,	)	Judge Ivan L.R. Lemelle
	)	Magistrate Judge Joseph C. Wilkinson Jr.
v.	)	
	)	
WILLIAM J. DODD SUPERINTENDENT OF	)	
PUBLIC EDUCATION, et al.,	)	
	)	
Defendants.	)	

DECLARATION OF GARY W. REED

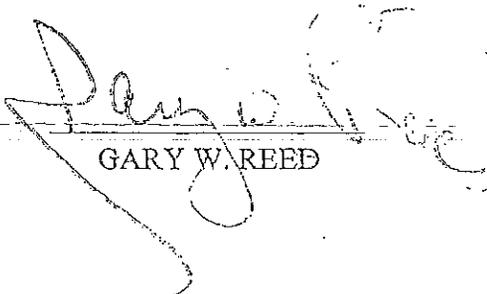
I, Gary Reed, pursuant to 28 U. S. C. § 1746, hereby declare as follows:

1. I served as the Legislative Administrator in the Office of the Superintendent of the Louisiana Department of Education from 1977 to 2007.
2. I retired from my position as the Legislative Administrator in the Office of the Superintendent of the Louisiana Department of Education in 2007.
3. As the Legislative Administrator, one of my responsibilities for approximately twenty years was to serve as the primary point of contact between the Louisiana Department of Education and the United States Department of Justice for compliance with the *Brumfield v. Dodd* certification process.

4. Each year, I reviewed *Brumfield v. Dodd* applications from private schools seeking to obtain funding from the State and certified that those schools were not discriminatory or segregated.
5. Each year, I supplied the United States with certified *Brumfield v. Dodd* applications and supporting information in compliance with the procedures set out in the 1985 Consent Decree.
6. Each year, I received numerous oral and written communications, from the United States concerning compliance with *Brumfield* and the certification of schools pursuant to *Brumfield*.
7. As part of these communications, the United States raised questions, concerns and objections to the certification of schools pursuant to *Brumfield*.
8. Upon receiving an inquiry from the United States, I worked with the United States to ensure all questions, concerns and objections regarding *Brumfield* certification were adequately addressed.
9. In some instances, the consideration and negotiation of concerns and/or objections raised by the United States resulted in the deferral or denial of certification to schools.
10. In most instances, I was able to resolve the concerns and objections raised through consultation or negotiation with the United States, without the need for formal court action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 15, 2013.

  
GARY W. REED

# Exhibit E



## 2013-2014 LOUISIANA SCHOLARSHIP PROGRAM STUDENT APPLICATION

### Round 3 Instructions:

This third round will be open to all eligible families, including those who applied in Rounds 1 and 2. Families that applied in Round 1 and/or 2, but did not receive a scholarship, do not need to reapply. They will be automatically considered for a match in Round 3. If a family would like to change their preferences on their application, **they should reapply**.

### Instructions:

1. Please read the entire application and complete each section.
2. Please turn in the application at your first choice school site.
3. Please make sure to get a receipt for your application from the school.

Please call 1.877.453.2721 if you have any questions or need assistance in completing or submitting the application.

### Step 1: Eligibility Check

*Instructions: Please make sure you can answer "Yes" to these questions before filling out the application*

<input type="radio"/> Yes <input type="radio"/> No	<b>Is my child a resident of Louisiana?</b>
<input type="radio"/> Yes <input type="radio"/> No	<b>Is my child entering Grades K-12?</b>
<input type="radio"/> Yes <input type="radio"/> No	<b>For the 2012-2013 School Year, did my child attend a school that received a "C", "D", or "F" on the most recent report card</b> You can find school grades at: <a href="http://www.louisianabelieves.com/data/reportcards/2012/">http://www.louisianabelieves.com/data/reportcards/2012/</a> OR <b>Will my child be attending Kindergarten for the first time?</b>
<input type="radio"/> Yes <input type="radio"/> No	<b>Is my annual household income less than the amount listed below?</b>

Scholarship Eligibility - 250% of Current Federal Poverty Guidelines				
Persons in Family/Household	Yearly Income	Monthly Income	Bi-Weekly Income	Weekly Income
1	\$28,725.00	\$2,393.75	\$1,104.81	\$552.40
2	\$38,775.00	\$3,231.25	\$1,491.35	\$745.67
3	\$48,825.00	\$4,068.75	\$1,877.88	\$938.94
4	\$58,875.00	\$4,906.25	\$2,264.42	\$1,132.21
5	\$68,925.00	\$5,743.75	\$2,650.96	\$1,325.48
6	\$78,975.00	\$6,581.25	\$3,037.50	\$1,518.75
7	\$89,025.00	\$7,418.75	\$3,424.04	\$1,712.02
8	\$99,075.00	\$8,256.25	\$3,810.58	\$1,905.29
<b>Add this amount for each additional person</b>	<b>\$10,050.00</b>	<b>\$837.50</b>	<b>\$386.54</b>	<b>\$193.27</b>



## 2013-2014 LOUISIANA SCHOLARSHIP PROGRAM STUDENT APPLICATION

### Step 2: Student Information

*Instructions: Please fill out each section to the best of your ability.*

<b>Student Social Security Number:</b>			
<b>Student Last Name:</b>			
<b>Student First Name:</b>			
<b>Student Middle Initial:</b>			
<b>Suffix (Jr, Sr, etc):</b>			
<b>Date of Birth (MM/DD/YYYY):</b>			
<b>Gender (circle one):</b> <input type="radio"/> Male <input type="radio"/> Female			
<b>Ethnicity (circle one – for reporting only):</b>			
<b>Is the Student Hispanic?</b> <input type="radio"/> Yes <input type="radio"/> No			
<b>Race (Circle all that apply):</b>			
a. American Indian			
b. Pacific Islander			
c. Asian			
d. White			
e. Black			
<b>Street Address:</b>			
<b>Apartment Number (leave blank if none):</b>			
<b>City:</b>			
<b>Zip Code:</b>			
<b>Student Grade 2013-2014:</b>			
<b>If the child is a twin or any other multiple birth sibling, please list the name(s) and social security number(s) of the siblings below</b> (Please Note: A separate application needs to be submitted for each child)			
<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>	<b>Social Security Number</b>



**2013-2014 LOUISIANA SCHOLARSHIP PROGRAM  
STUDENT APPLICATION**

**Step 3: Parent/ Legal Guardian Information**

*Instructions: Please fill out each section to the best of your ability.*

<b>Parent/ Legal Guardian Last Name:</b>
<b>Parent/ Legal Guardian First Name:</b>
<b>Parent/ Legal Guardian Middle Initial:</b>
<b>Suffix (Jr, Sr, etc):</b>
<b>Relationship to Student:</b>
<b>Mailing Address:</b>
<b>City:</b>
<b>Zip Code:</b>
<b>Home Phone:</b>
<b>Cell Phone:</b>
<b>E-mail:</b>
<b>Family Household Income:</b>
<b>Number in Family Household:</b>

**Step 4: Sibling Information:**

*Instructions: Please identify any siblings of the child that already attend a school that you are listing on your application.*

Last Name	First Name	Middle Initial	Social Security Number	Name of School



## 2013-2014 LOUISIANA SCHOLARSHIP PROGRAM STUDENT APPLICATION

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### Step 5: Income Verification

*Instructions: Complete Part A or Part B (you do not need to do both)*

**A. If you participate in any one of the programs below, please check the box next to the program. When you turn in your application, please bring evidence that you participate in the program so the staff is able to verify that you have it.**

- Louisiana Purchase Card
- SNAP Benefits
- Social Security Benefits

**B. If you do not participate in any of these programs, please provide proof of income for every member of your household. This can consist of any of the following:**

- Federal Tax Return
- W-2s from all employers for the period ended December 31, 2012
- Unemployment compensation statement for the period ended December 31, 2012
- Alimony as shown in court decree or agreement
- Social Security benefits statement for the period ended December 31, 2012
- Pension statements for the period ended December 31, 2012

### Step 6: Residency Verification

*Instructions: Please bring proof of residency with you when you apply. The address of residency should be where the child lives and should match the student address listed in Step 2. The proof can be dated for any time after January 2013. This proof can consist of any of the following:*

- Rental lease agreement/mortgage agreement
- Electricity/Gas Bill
- Telephone Bill
- Cable or Internet service bill
- Sewage/water bill
- Current Official letter from a Government Agency (DSS, DHH)
- Homestead Exemption Notice
- Property Tax notice

*If you are unsure of what documentation you can use to prove your income, residency or have any questions, please feel free to call the Louisiana Department of Education at 1.877.453.2721.*



## 2013-2014 LOUISIANA SCHOLARSHIP PROGRAM STUDENT APPLICATION

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### Step 7: School selection

*Please enter up to five (5) participating schools below that you would like your student to attend, in order of preference. This rank order will be used to match your student with a school that has seats available. There is no guarantee that you will receive a match. You will be notified of the results of the lottery no later than July 31.*

Choice	Name of School	Name of School City
1		
2		
3		
4		
5		

Please visit <http://www.louisianabelieves.com/schools/louisiana-scholarship-program>  
or call 1.877.453.2721 for a list of participating schools.



**2013-2014 LOUISIANA SCHOLARSHIP PROGRAM  
STUDENT APPLICATION**

**Receipt for parent or guardian**

**Instructions to Parents:**

Please maintain this receipt and your school choice page as proof of your application. If you have any questions regarding this application or the program in general, please call 1.877.453.2721

**Instructions for Schools:**

Please complete the form below, sign and date and return to the parent or guardian applying for the scholarship program.

<b>School name:</b>
<b>Date:</b>
<b>Name of parent(s) or guardian(s):</b>
<b>Name of student applying:</b>

Please fill in the school selections from the applications.

Choice	Name of School	Name of School City
1		
2		
3		
4		
5		

**Please sign below if you have:**

1. Received the application,
2. Provided the parents or guardians with this receipt, and
3. Verified the family is eligible to participate in the program.

<b>Name of school representative reviewing the application</b>
<b>Signature of school representative reviewing the application</b>