

**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' SUPPLEMENT TO AUGUST 22, 2013 MOTION FOR FURTHER
RELIEF**

As this Court has noted, the United States is neither opposing the Defendant State of Louisiana's ("Louisiana" or "State") 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.

In light of this Court's September 18, 2013 Order (ECF No. 212) ("Sept. 18 Order"), which sets forth a schedule for determining how Louisiana can come into compliance with the orders in this case and requires Louisiana to provide the information and analysis requested, a process is now in place for the United States to obtain the relief it was seeking.

When the United States filed the Motion for Further Relief and associated Memorandum in Support on August 22, 2013 (ECF No. 203, Att. 1) (“the August Motion” or “August Mot.”), it had three key objectives:

- *First*, for the 2013-2014 school year, Louisiana should provide the United States with information regarding the students who applied for and/or received vouchers, as set forth in the United States’ May 31, 2013 Request for Information. *See* August Mot. at 4 (citing the May 31, 2013 request for “specific information concerning the State’s awards of vouchers to students for the 2013-2014 school year,” and attaching the request as Exhibit C to the August Motion).
- *Second*, also for the 2013-2014 school year, Louisiana should provide the United States with an analysis of the voucher awards’ impact on school desegregation in each school district that is currently operating under a federal desegregation order. *See* August Mot. at 15 (asking the Court “to direct the State to analyze the impact of the voucher awards for the 2013-14 school year with respect to impact on school desegregation in each school district operating under a federal desegregation order and to submit those analyses to the applicable courts and parties”).
- *Third*, for the 2014-2015 and subsequent school years, Louisiana should agree to an annual, orderly process for reviewing implementation of the State’s voucher program under the desegregation order in this case. *See* August Mot. at 3-5, 7-8 (describing at length the State’s repeated failure to provide the United States or this Court with information and analysis needed to monitor implementation of the State’s voucher program, and recounting the specific requirements of the desegregation order in this case).

Pursuant to this Court’s September 18 Order, all three of these objectives are now in the process of being fulfilled.

First, as of late Friday afternoon, Louisiana has finally agreed to provide the United States with information that the United States requested on May 31 of this year, regarding the students who applied for and/or received vouchers for the current school year. The State defendants have now indicated to the United States that some of the requested information will be provided by September 26, 2013, and nearly all of the remainder should be provided by October 8, 2013.

Second, the Court required the State to provide, no later than November 7, 2013, “an analysis of the voucher awards for the 2013-14 school year respecting impact on school desegregation in each school district presently under a federal desegregation order.” Sept. 18 Order at 2.

Third, the Court required the parties to brief and argue the following two legal issues to determine the State’s compliance obligations in this case: first, whether the desegregation order in this case “appl[ies] to the State of Louisiana’s Student Scholarships for Educational Excellence Program (‘Voucher Program’)”; and second, if so, whether there is “any need to amend existing orders to ensure a process of review of the Voucher Program or similar ones in the future.” Sept. 18 Order at 1-2.

Consequently, the United States supplements its August Motion to clarify that the only issues remaining from that motion are the two questions the Court has presented for briefing: (1) does the desegregation order issued in *Brumfield* apply to the Voucher 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 Voucher 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? The United States will file its brief addressing the two legal issues presented by November 15, 2013, as ordered by the Court, and will participate in the hearing on November 22, 2013. To the extent this Court determines it appropriate to resolve those two questions 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.

Dated: September 23, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2013, a true and correct copy of the foregoing Supplement 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