

**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’ PROPOSED PROCESS FOR SHARING INFORMATION
REGARDING THE STATE OF LOUISIANA’S VOUCHER PROGRAM**

To ensure that the State of Louisiana’s (“Defendants” or “State”) implementation of the Louisiana Scholarship Program (“Voucher Program”) complies with the orders in this case, the United States hereby submits this proposal respectfully asking this Court to amend the orders of this case to provide for the process set forth below.¹

The proposed process would allow for information about the Voucher Program to be shared and reviewed in a timely manner to ensure that: any issues that may arise can be resolved before vouchers are awarded and the next school year commences; the funding and assignment of students to voucher schools does not further or otherwise support racially segregated or discriminatory private schools or undermine the ongoing desegregation of public schools; and

¹ On November 15, 2013 and December 30, 2013, the United States circulated drafts of the proposed process to the State in an effort to reach agreement on a unified proposal to submit to this Court. United States’ Memorandum in Response to the Court’s September 18 Order, Nov. 15, 2013 (Record Doc. 238). The State did not provide any written response and did not circulate a draft of its proposed process to the United States until January 2, 2014.

the State and the Plaintiff Parties have the full and proper data necessary to facilitate compliance with the orders in this case. *See* United States' Expert Report, Dec. 23, 2013 (Record Doc. No. 248-2) (noting, among other things, that the State had failed to provide the complete information necessary to assess compliance for more than half of the students enrolled in voucher schools for the 2013-14 school year).

All orders previously entered in this case not inconsistent herewith would remain in full force and effect.

I. Information to be Shared Annually

Each school year, the Defendants will provide to the Plaintiff and Plaintiff-Intervenor (collectively, "Plaintiff Parties"), the following information:

A. Certification of Private Schools: Defendants receive annual *Brumfield* Compliance Forms from private schools seeking to continue their status as *Brumfield*-approved schools and recipients of State assistance, and *Brumfield* Applications from private schools newly seeking approval to receive State assistance. Both the *Brumfield* Compliance Forms and the *Brumfield* Applications require private schools to provide the student enrollment, by race, at the school for the current school year. Defendants will annually produce all *Brumfield* Compliance Forms and *Brumfield* Applications, including any and all attachments thereto, to the Plaintiff Parties within 15 days after they are submitted to the Defendants, and in any event no later than January 30 each year and thirty (30) days prior to the State certifying the private schools that participate in the Voucher Program for the subsequent year.²

² The State already provides *Brumfield* Compliance Forms and *Brumfield* Applications to the United States on an annual basis. Specific deadlines are being included here given that information has previously been provided on a rolling and piecemeal basis, with some certifications received as late as May.

B. Review of Proposed Voucher School Assignments:³ Families of students seeking to participate in the Voucher Program are required to submit an application to the State for the subsequent school year. The State reviews the applications and identifies the applicants to whom the State intends to award vouchers and the school to which the State intends to assign those applicants. At that point, and at least 45 days prior to notifying any applicant of his or her voucher school assignment for the subsequent school year, Defendants will provide to Plaintiff Parties the following information for each applicant:⁴

1. Name
2. Student ID number
3. Address
4. Grade
5. Race
6. School applicant attends in current school year, if any
7. Louisiana School Performance Score (letter grade) for school in (6), above, if applicable
8. Public school district of the school in (6), if applicable
9. District public school applicant would be assigned to attend for the upcoming school year if applicant does not receive a voucher
10. Louisiana School Performance Score (letter grade) for school in (9), above
11. Student enrollment in the school in (9), above, for the current school year, by race
12. Public school district for (9), above
13. Student enrollment in the public school district in (12), above, for the current school year, by race
14. Whether applicant is attending a voucher school during the current school year, and if so, the name of the voucher school
15. The list of voucher schools, in order of stated preference, identified on the student's application form
16. Whether the State determined that the applicant failed to meet the criteria for participation in the voucher program
17. Reason for determination that the applicant failed to meet the criteria for participation in the voucher program, if applicable
18. Reason, if any, for preference in proposed award of voucher (e.g., sibling)

³ Defendants will 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.

⁴ The State already collects and largely produced the information in this list to the United States this school year.

19. School to which the State intends to assign the applicant through the Voucher Program (“proposed voucher school”)
20. Student enrollment of the proposed voucher school in (19), for the current school year, by race

Based on the information provided, Plaintiff Parties can raise any concerns about State action that would be inconsistent with extant federal desegregation orders, including the orders in this case, and the parties will work collaboratively to resolve those concerns. If the parties cannot reach amicable resolution, the parties respectfully request that this Court adjudicate any disagreements under the auspices of this case.

C. Voucher School Enrollment Data and Analysis:

1. 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, Defendants will provide to Plaintiff Parties the following information for each student who was enrolled in a school pursuant to a voucher:

- 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

2. By November 15 of each year, Defendants will provide to Plaintiff Parties a school-level analysis of the voucher enrollments for the current school year and their impact on school desegregation in each school district then operating under a federal desegregation order.

3. By December 15 of each year, Defendants will provide to Plaintiff Parties an analysis of the voucher enrollments for the current school year and their impact on segregation in private schools.

II. Timelines for Exchange of Information

The following deadlines shall apply to the exchange of information regarding the Voucher Program for the 2014-15 school year:⁵

Deadline	Subject	Sender	Recipient
December 15, 2013	Brumfield Compliance forms (Ex A) for upcoming school year due from private schools	Private schools previously Brumfield-certified	Defendants
December 31, 2013	Private schools notify State of intent to participate in Voucher Program	Private schools	Defendants
January 13, 2014	Student applications to voucher program available		
January 15, 2014	New Brumfield Applications for upcoming school year due from private schools ⁶	Private schools not previously Brumfield-certified	Defendants
January 30, 2014	All Brumfield Applications and Compliance forms due to Plaintiff Parties [Paragraph A, above]	Defendants	Plaintiff Parties
January 1- February 28, 2014	State finalizes list of private schools approved to participate in voucher program ⁷		
February 28, 2014	Student voucher program applications due	Families	Defendants
March 15, 2014	Defendants provide Plaintiff Parties student data and proposed voucher assignments for upcoming school year [Paragraph B, above]	Defendants	Plaintiff Parties
March 15 - May 1, 2014	Plaintiff Parties raise and resolve with Defendants concerns regarding proposed voucher assignments	Plaintiff Parties	Defendants
May 1, 2014 ⁸	State may begin notifying families of	Defendants	Families

⁵ Except where noted, the deadlines are those that appear in the Defendants' current timeline, available at <http://www.louisianabelieves.com/docs/school-choice/2014-15-scholarship-program-timeline.pdf?sfvrsn=2>. The shaded deadlines are those that the Defendants already have in place. The deadlines noted in this chart are for this upcoming year and take account of the fact that the process has already commenced.

⁶ In subsequent years, new *Brumfield* applications should be received prior to those schools indicating their intent to participate in the Voucher Program.

⁷ End date based on the schedule posted by the State for the 2013-14 school year. See <http://www.louisianabelieves.com/docs/school-choice/webinar---louisiana-scholarship-program-media-guide.pdf?sfvrsn=6>.

⁸ Modified from the week of April 7, which is the date provided in the Defendants' current timeline. If the Defendants choose to conduct additional rounds to assign students to voucher schools for the 2014-15 school year, as indicated in the Defendants' current timeline, Plaintiff Parties must have 45 days to review proposed voucher

	all approved voucher school assignments		
October 15, 2014	Defendants produce voucher enrollment information [Paragraph C, above]	Defendants	Plaintiff Parties
November 15, 2014	Analysis of impact on public schools under desegregation order [Paragraph D, above]	Defendants	Plaintiff Parties
December 15, 2014	Analysis of impact on private schools [Paragraph E, above]	Defendants	Plaintiff Parties

Dated: January 7, 2014

Respectfully submitted,

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s/ Torey B. Cummings
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assignments prior to the State notifying any applicant of their voucher school assignment for that year. This chart should be supplemented accordingly to account for any additional rounds.

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2014, a true and correct copy of the foregoing 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