

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

MARGARET M. JOHNSON, ET AL.,)
)
 Plaintiffs,)
)
 and)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff-Intervenor,)
)
 v.)
)
 JACKSON PARISH SCHOOL BOARD,)
)
 Defendant.)

**CIVIL ACTION NO. 65-11130
HON. ROBERT G. JAMES**

AGREED ORDER OF MODIFICATION

The Court entered an order on March 31, 1967 requiring the Defendant Jackson Parish School Board (“School Board”) to “take affirmative action to disestablish all school segregation and to eliminate the effects of the dual school system.” To ensure that students attend the school to which they are zoned according to their residence and to avoid the practice of “zone-jumping,” Plaintiff United States and the School Board have agreed to the terms set forth herein so that student enrollment and residency verification is properly handled and furthers the orderly desegregation of the schools.

It is the opinion of the Court that the provisions of this Agreed Order of Modification are consistent with the objectives of the Fourteenth Amendment to the United States Constitution and federal law.

IT IS THEREFORE ORDERED that the Unopposed Motion to Approve Agreed Order of Modification Regarding Student Residency [Doc. No. 89] is GRANTED.

IT IS FURTHER ORDERED that the Jackson Parish School Board, together with its agents, officers, employees, and all those in active concert or participation with them, shall implement the provisions herein. The School Board shall ensure that all students are qualified for enrollment in the District and that they attend the appropriate school located in the attendance zone of their residence by verifying the residency of each student and/or approving transfer requests pursuant to the policies set forth below.¹

A. Documentation Requirements

1. Residency Verification

- a. Residency Form Required. Each student seeking to enroll or to continue enrollment in the District schools for school year 2015-2016 must submit a Residency Form (with required documentation as set forth in section 4 below) to the principal of the school to which the student seeks enrollment no later than September 30, 2015. Each year after 2015-2016, each new student enrolling in the District shall submit the Residency Form (with required documentation) within 10 days of initial enrollment.
- b. Address Change. Within 10 school days of any address change, a student must submit a new Residency Form and required documentation.

¹ This terms of this Order shall not apply if the child is homeless, as defined and provided by the Federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11301 et seq.

- c. Failure to Submit Required Forms for Intradistrict Transfer. Students who seek intradistrict transfers who fail to submit completed Residency Forms and required documentation shall not be permitted to transfer.

2. Primary Residency Requirement

- a. The Residency Form requires parents, legal guardians, foster care parents, or non-parents (as applicable) to certify under oath that the address on the form is the student's primary residence.
- b. The student's "primary residence" is generally defined as where the student spends weekdays **and** weeknights (Monday through Thursday nights) and at least most of the weekend nights each week, where his/her clothing and other personal belongings are kept, where he/she takes meals, and other evidence of domicile.

3. Address Verification

- a. All students. In addition to completing the Residency Form, students seeking to enroll or to continue enrollment in the District schools for school year 2015-2016, or for the first time at any time thereafter, must provide at least two (2) of the items listed below as verification of the student's address. The submitted documents must show the location by street address of the residence of the parent, legal guardian, foster care parent, or non-parents (as applicable) where the child maintains his or her primary residence.
 - Current valid driver's license or state ID showing a residential street address (not a post office box)

- Current property tax records
- Current mortgage documents or property deed
- In cases of apartment or home lease, a notarized statement from the property owner/lessor identifying himself/herself as the property owner/lessor, describing the property, and the term of the lease, identifying the lease-holder
- Current rent payment receipt or copy of money order made for payment of rent showing residence address
- Current valid automobile registration showing residence address
- Current telephone or utility bill showing residence address
- Current voter identification card showing residence address
- Notarized affidavit verifying residence (street) address

b. Students Residing with a Non-Parent. In addition to complying with the documentation requirements above, anyone other than the parent of a student must provide a valid court order declaring him/her to have full and complete legal custody of the student. The non-parent must also provide a notarized affidavit that includes:

- (1) A statement of the relationship between the non-parent and the student;
- (2) A verification that the student will have his or her primary residence in the non-parent's home and details on the time period for which the student will maintain this as his or her primary residence; and

- (3) A detailed explanation of the reasons for the living arrangement.

The District may not use change-of-custody orders as a basis for school assignment without first conducting a residency verification investigation (*see* section 5 below) to determine the student's primary residence.

4. Residency Verification Investigations

- a. Home Visits.

- i. When Required. If the student's primary residency cannot be verified by the required documents, if the documents are not submitted, or if school officials have any reason to question or doubt the validity of the documents submitted, the school principal or his or her designee **must** make an unscheduled in person visit to the student's home address within 20 days of the student's enrollment to verify that the student is, in fact, actually residing in the correct school attendance zone and/or that the residence is justified by the circumstances involved.
- ii. Affidavit of Home Visit. The individual making the visit **shall** complete an affidavit providing the student's name, race, and grade; and a detailed account of the visit(s), including but not limited to the date, time, location, and identification of all persons present at the residence at the time of the visit.
- iii. Residency Cannot be Verified. If, after two attempts to conduct a home visit, residency cannot be verified, the principal **shall** notify the parent, guardian, or non-parent who completed the Residency Form

that the student will be transferred to the school that the principal has valid reason to believe is the zoned school for the student's actual primary residence or taking action, as necessary. Following any such determination, the principal shall draft and retain a memorandum ("Unverifiable Residency Memo") that includes the student's name, race, and grade; reasons for which the determination was made; and all actions taken with respect to the student's enrollment.

- b. Nonjustified Reasons. In the event a principal determines that the reasons to justify the student's primary residence are not accurate or do not justify acceptance of the residency, the principal shall transfer the student to the school that the principal has valid reason to believe is the zoned school for the student's actual primary residence or taking action, as necessary. Following any such determination, the principal shall draft and retain a memorandum ("Nonjustified Residency Change Memo") that includes the student's name, race, and grade; reasons for which the determination was made; and all actions taken with respect to that student's enrollment.
- c. Review of Residency Verification Determination. A parent, guardian, or non-parent aggrieved by a residency decision may request that the principal's decision be reviewed by the Superintendent. The Superintendent's decision on such review shall be final. Within 10 days of the Superintendent's decision, he/she shall draft a report that describes the reasons for the decision; the report shall be retained by the Board.

5. Reports and Monitoring

- a. By October 1, 2015, and by October 1 of each year thereafter, the principal of each school shall submit a Residency Verification Report to the Superintendent and the School Board that includes the following:
 - i. Confirmation that he or she has verified the residency of all students in the school;
 - ii. Copies of all affidavits of home visits;
 - iii. Copies of all Unverifiable Residency Memos; and
 - iv. Copies of all Nonjustified Residency Change Memos.
- b. The School Board shall include a copy of each school's Residency Verification Report in its annual report to this Court, submitted on October 15 of each year.

Intentional falsification of any residency verification information by a parent, employee, or other subjects that individual to a charge of contempt of court and sanctions and/or fines as the court deems appropriate. All other orders of this Court, not inconsistent herewith, remain in full force and effect.

MONROE, LOUISIANA, this 31st day of August, 2015.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE