

**BEFORE THE UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF CIVIL RIGHTS**

Q.B. on behalf of K.S. & R.S.,)	COMPLAINT UNDER TITLE VI OF
T.D. on behalf of K.D.,)	THE CIVIL RIGHTS ACT OF 1964
J.H., and all similarly situated students,)	
)	
Complainants,)	
)	
v.)	
)	
JEFFERSON PARISH PUBLIC SCHOOL)	
SYSTEM and the JEFFERSON PARISH)	
SCHOOL BOARD,)	
)	
Respondents.)	

ADMINISTRATIVE COMPLAINT

This is an administrative civil rights complaint filed under Title VI of the Civil Rights

Act of 1964 on behalf of African American students.

Public Schools. The Complainants maintain that the
("JPPSS") under the governance of the Jefferson Parish
acted against them on the basis of race by administering
practices that have a discriminatory impact on African
students represent approximately 46% of JPPSS' student
of all school-based arrests. The Complainants file this
and all other similarly situated students.

“including monitoring student movement in the halls, checking parking permits, etc.”¹ By this policy and contract, JPPSS has guaranteed that minor violations of school rules will result in criminal arrests. This policy and delegation of JPPSS’ school discipline authority has resulted in the disproportionate arrest of African American students.

Complainants further allege that they have been subjected to racially charged statements and slurs verbalized by school police during the course of arrests, seizures, or investigatory stops on campus, evidencing discriminatory intent on behalf of the officers assigned to specific school sites. During one such arrest, a Jefferson Parish Sheriff’s Officer, working as a police officer on campus and assigned to Bonnabel High School, used a racial epithet towards an African American female student. In a separate incident, the same officer told an African American male

students. For approximately 47 years, Jefferson Parish public schools operated under federal court supervision originating from a 1964 desegregation lawsuit.³ A federal district court declared JPPSS unitary on August 2, 2011.⁴ During the 2010-2011 school year, the Jefferson Parish School Board (“JPSB”) faced allegations that qualified African American students were being denied admission to the school district’s selective advanced academy school sites because of inconsistent and subjective admissions policies that varied at individual schools.⁵ As a result of these complaints, JPSB adopted a centralized admissions process.⁶

Respondent JPPSS’ school arrest practices face a similar problem—there are no clear,

contract with the Jefferson Parish Sheriff's Office ("JPSO"), hereinafter referred to as the "POC Agreement," that would provide salaries, wages, overtime, uniforms, and weapons for all POCs stationed on school campuses.⁹ Jefferson POCs clearly function as the agents of the school system.

Respondent JPPSS has endorsed an inadequate training program for Police Officers on Campus working at schools under its jurisdiction.¹⁰ "Police officers generally are trained to deal with adult perpetrators on the street, not children in schools."¹¹ "[School resource officers] may need help to 'unlearn' some of the techniques they learned to use on patrol duty that are not appropriate in dealing with students, for example, resorting too quickly to using handcuffs or treating misconduct as part of a person's criminal make-up" ¹² The current school resource officer curriculum is ill-equipped to prepare officers for the school environment and contains no meaningful lessons on child and adolescent development, de-escalation techniques, behavioral precautions and protections for students with special needs or guidance on securing the trust and cooperation of students. ¹³

Respondent JPPSS was made aware of racial disparities in school arrest data through

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Respondents have failed to maintain a meaningful complaint resolution system to investigate and resolve allegations asserted by the Complainants. Parents have complained to JPPSS about the arrest policies, to no avail. Complainants therefore seek assistance from the Office of Civil Rights.

II. JURISDICTION

This complaint is authorized by Title VI of the Civil Rights Act of 1964. The U.S. Department of Education, Office of Civil Rights, has jurisdiction over a claim involving racially based conduct that consists of different treatment to students on the basis of race that occurred in the context of an operation of an elementary, secondary or postsecondary school or institution or other entity that is a recipient of federal funds. 34 C.F.R. § 100.3(b)(2). The Respondents are public entities and are recipients of federal financial assistance and are therefore subject to Title VI of the Civil Rights Act of 1964. The discrimination detailed in this complaint is both ongoing and has occurred within the last 180 days.

III. COMPLAINANTS

The Complainants are four African American schoolchildren in Jefferson Parish who, at all relevant times, were excluded from a Jefferson Parish public school as a result of the Respondent school system's arrest policies and practices. They bring this Complaint on behalf of themselves and all other similarly situated students.

K.S. is fourteen years-old and is enrolled in the 9th grade at Bonnabel High School in Kenner, Louisiana. At all relevant times, K.S. was, and she continues to be, enrolled in a public school operated by Jefferson Parish Public School System and Jefferson Parish School Board.

R.S. is fifteen years-old and is enrolled in the 9th grade at Bonnabel High School in Kenner, Louisiana. At all relevant times, R.S. was, and he continues to be, enrolled in a public

consistent with the laws of the State of Louisiana and the regulations of the State Board of Elementary and Secondary Education, to levy taxes and collect revenues through state-approved means.

V. FACTS RELATING TO THE COMPLAINANTS

K.S.

K.S. is a fifteen year-old, African American female enrolled in the 9th grade at Bonnabel High School in Kenner, Louisiana. On September 13, 2011, a JPSO officer assigned to K.S.'s school subjected her to an unreasonable arrest and seizure and used a highly offensive racial epithet.

That day, K.S. and a friend were skipping class. A school administrator saw the two students and called after them. In order to avoid being caught, the two students ran and hid in the gym. As they left the gym to return to class, they encountered a Police Officer on Campus assigned to Bonnabel High School. K.S. was intimidated by the officer and refused to answer his questions. The officer became angry and told her that she was under arrest for "Disturbing the Peace" and "Obstruction of Justice." The officer handcuffed her in the school hallway and led her back to the security office. No school officials were present. While in the security room, the officer used profanity towards K.S. and ordered her to "sit the f*ck down." Once the officer sat down behind his desk, K.S. heard him say, "n**gers these days." K.S. was shocked and humiliated.

Shortly thereafter, the Police Officer on Campus led her outside of the school into a police wagon to be transported to Rivarde Detention Center, the juvenile detention facility for Jefferson Parish. An adult woman who was being transported to the adult facility was also in the police wagon. K.S. was never read her Miranda rights. The following day, K.S. was issued a 2 day out-of-school suspension for "disrespect for authority" in relation to the arrest. K.S. fears

that she will be subjected to an arrest in the future. She intentionally avoids the Police Officer on Campus when she sees him in the hallway. Ever since the arrest, K.S.'s grades have suffered and she has become disengaged in the academic process.

R.S.

R.S. is a fourteen year-old, African American male enrolled in the 9th grade at Bonnabel High School in Kenner, Louisiana. On September 13, 2011, a Police Officer on Campus assigned to R.S.'s school subjected him to an unreasonable arrest and seizure and used inappropriate, racially charged language towards him.

That day, a teacher confiscated R.S.'s cell phone during class. The teacher advised R.S. that his cell phone would be returned at the end of the period. When R.S. asked for his phone back later on that afternoon, the teacher's assistant advised him that it was school policy that students must wait five days to reclaim cell phones confiscated on school grounds. R.S. is a special education student diagnosed with the exceptionality of Emotional Disturbance. He became upset and began to verbalize his frustrations about the cell phone policy. The teacher called the school dean to come to the classroom. R.S. attempted to leave the classroom to "cool down" as permitted in his Individualized Education Program ("IEP"). The school dean refused to allow R.S. to leave the room and called for the Pol

After being transported to Rivarde Detention Center, K.D. complained of pain in his arm. Detention staff informed him that he could not be admitted until the Police Officer on Campus took him to the hospital. The officers shackled K.D.'s legs and injured arm and proceeded to transport him to the hospital. After an x-ray exam, a doctor advised K.D. that his right arm was broken. A cast was applied from above his elbow to his hand.¹⁷ K.D. reported that the two officers laughed about the incident as they transported him to Rivarde Detention Center.

After K.D. was released, the principal of Adams Middle directed his mother to keep him out of school indefinitely. He was never formally

**Graph 1:
Jefferson Parish Public School Arrests By Race**

Quest 2

'disturbance of school or public assembly,' or whether a shoving match should be classified as a criminal 'assault' or 'simple battery.'²⁵ As a result, Respondent JPPSS' facially neutral arrest policies and practices have a discriminatory effect on African American students.

It is well documented that schools with [police officers on campus] are more likely to have arrests for minor offenses.²⁶ Complainants were arrested for non-violent behaviors that were clearly anticipated in and governed by Respond

Graph 3

four years.³² These collateral consequences are illustrated by the experience of the Complainants. K.S. and R.S.'s grades are suffering. J.H. has dropped out of school, and K.D. has not returned to school since his arrest. The decision to arrest a child often has very long term adverse effects for the trajectory of that child's life. In Jefferson Parish, these arrest policies are significantly disproportionately impacting African American children.

In addition, it is well documented that youth involved in the juvenile justice system have an increased chance of incarceration as adults.³³ African American students, such as the

EXHIBIT INDEX

- EXHIBIT 1 Police on Campus Contract, Attachment A and B
- EXHIBIT 2 School Resource Officer Training Manual
- EXHIBIT 3 Nat'l Ctr. Educ. Statistics, Digest of Education Statistics, Public School
Districts: Selected Years, 2009-2010
- EXHIBIT 4 JPPSS, 2011-2012 Procedures and Policies for Parents and Students (page
9)
- EXHIBIT 5 Medical Records, Complainant K.D.
- EXHIBIT 6 JPPSS, 2011-2012 Procedures and Policies for Parents and Students
(pages 10-13)