

BEFORE THE UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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and on ha o e A and a  
may a d d n

e<sup>o</sup> anan

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The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties. The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties. The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties.

## II. Jurisdiction

The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties. The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties. The Commission has jurisdiction over the activities of the Commission and its members in the exercise of their functions and in the performance of their duties.

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See 34 C.F.R. § 2.2



... a h n y a o d A r c a n A r c a n d n a d n h a d a r r y  
d n r d n d h A r c n y n o d n h h a d a o h M a y n A n a r y  
c h o a n a n a r y c h o o a d y

... A r o n y a o d d n h a d a r r y d n r d n d h A r c  
c n y n o d n h h a d a n d r c r y n h o n d r c a n o a c h a n o  
a c n r d y n h a d a y ... A a a d n a a a a n A n a r y  
c h o a n a n a r y c h o o a d y

#### IV. Respondents

... o n d n ... o n a r h r c c h o y ... h o c a d c a r o n a  
a n c y L A ... o n r o h a d r n r a r o n a n d o a r o n o ... o n a r h r c  
c h o n d h o r n a n c o h ... o n a r h r c c h o B o a d B ... a  
c r n o d a n a n c a a n a n c o a n a o r a y 3 r o n 4 o a  
c h o n h d r c r n c d n r y a n a r y c h o c a A n a r y c h o ... o n  
c o n y c h o o h M a y n A n a r y c h o ... a a h a n A 4 n a r y o n 3 3 4 4 3 o o 4 3 o 3 a 3 4

**V. Facts Relating to the Complainants**

**J.P.**

... a ... ny a od A ... can A ... can ... d n and ... d n ... had a ... y ...  
c ... n y no d, n ... h ... h ... ad a ... nd Mdd ... c ... bo, n ... h ... on a, h ... c ...  
c ... bo ... y ... a ... d n ... d a a ... d

d n and o h n a a h h b a d o o h h A n d o  
 an e o n y c h b o a o o c h b o o o y o a a o  
 a c o d a y n d n n y n o a n a y c h b o a n d d a n e o n y  
 c h b o o a o a y o n h o a n a y 2 h o h h n d o o y 2  
 c a h a n a o h a n a y c h b o o a a a o n o c h b o  
 r c o n d c c h a d c h a y o o o a n y d n c a a n d h a y  
 h a h a n a y c h b o h a c o o h o o c h b o n o n o n o  
 c h b o h a y o a c c n 2 d a y o d n c r o n a a n a y d o  
 h a n a y c h b o o a a a n e o n y c h b o o n h d n a n o n o  
 h n y o c a d c a r o n y c n d h A h a n e d  
 n a y c o n n e a a o h o o n d a y n a n a y c h b o n e d n  
 o n n n c a n y o a d y a n d c r n n a n a c o y a d n a o h  
 a c a d r e c o a n d M d d c h b o

**C.B.**

e B a n n y a o d A r c a n A r c a n d n and d n h a d a n y  
 a n o d n h h a d a o h M a y n A n a y c h b o n n A 2 2  
 h n h h o c h b o e B d n r d a a d n h o r o n a d a n a d  
 o n h c n c a d a n o o d r o n a n y A r c a n h a y o a n d o o r o n a  
 d r a n d o d

A c c o d n o h h n d y d a z d d c a r o n o a e B a d o o h  
 M a y n A n a y c h b o o n A 2 o a h o y o n o y n a h a y o h a d  
 d c n a y a a h a c h b o a c n o r n c a d c o a h b y

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an e o n y c h b o a n a o o y d h c a d c a r o n y c a n d h a h o  
 a n r o n d a c o h a c h b o a c n a n d M d d c h b o o n o a o n d c 2





**D.S.**



inclusion of a racial factor and has been found and held to be unconstitutional by the Supreme Court.

## VI. Discrimination on the Basis of Race

### A. The Disparate Impact Standard

The disparate impact standard was first articulated in *Griggs v. Duke Power Co.*, 401 U.S. 421 (1971). The Supreme Court held that an employer's practice of requiring a high school diploma as a condition of employment was discriminatory because it had a disparate impact on African Americans. The Court stated that the requirement was not a job-related qualification and that it was not a bona fide occupational qualification. The Court also stated that the requirement was not a neutral, nondiscriminatory practice. The Court held that the requirement was discriminatory because it had a disparate impact on African Americans. The Court stated that the requirement was not a job-related qualification and that it was not a bona fide occupational qualification. The Court also stated that the requirement was not a neutral, nondiscriminatory practice. The Court held that the requirement was discriminatory because it had a disparate impact on African Americans.

The disparate impact standard has been applied in many cases, including *Albermarle Paper Co. v. International Brotherhood of Teamsters*, 422 U.S. 17 (1975), and *Wards Cove Packing Co. v. Atonio*, 490 U.S. 658 (1989).

the ... an ... o ... h ... n ... a ... on ... a ... c ... a ... h ... a ... c ... r ... n ... a ... o ... h ... r ... d ... o ... ad ... m ... r ... n ... o ... r ... c ... and ... ac ... r ... c ... h ... a ... h ... a ... r ... ad ... a ... a ... r ... ac ... on ... o ... o ... c ... d ... y ... h ... a ...

**B. JPPSS' Alternative School Policies and Practices Have a Disproportionate Adverse Impact on African American Students**

African American and Non-African American  
Students' Academic Achievement

African American students have lower academic achievement than non-African American students and are more likely to be placed in alternative schools and programs.

h d o o r n a a o A r e a n A r e a n d n o h d r c a n a y  
 c h o r d o o c y o r n n e a o d r c o n n o d c r o n a y  
 a c d n n a n a n a y c h o o a a n o n o c h o r c o n d c c h a d c o d  
 r o a r o n d c o a b y d n h c a o n y o n n o n o a n  
 a n d o o c n a n a d c r n a y o r c y r a n e a o o y a d n o  
 a n a n a y c h o o h a n d o h c h o y a o n h o h n o n <sup>2</sup> t a  
 d n h r a o n o n o n o n o a n y h c h a n d a o n n d  
 o c d a n d o r c a n a o n h o h a o n o a n y h  
 n e a a y o y h d n o h a n a y c h o o h a n d o h c h o y a  
 n a d d o n d c r n o r c y r a a d n o o y d o a n a n a y c h o  
 h o a a n o d c r n a y r c o n d c o h a n d o a c h o y a d n d n o n  
 h o n o h o n <sup>2</sup> n h o y o n y c h o o n n n d  
 d c r o n o d n h o <sup>4</sup> 2 d <sup>2</sup> 3 n <sup>2</sup> 4 3 a 3 o n n

o. n <sup>22</sup> 6 h o. n o r. d o d n e A rcanA rcan. d n c r. d  
a. o a. n a r. c h o c o a d o 4 h. d n 6 h o. n o d. c. o  
a. h o. y 4 A rcanA rcan. d n c r. d a. o a. n a r. c h o c o a d o  
4 h. d n 6 h o. n o d. c a o h a. a. o a. o n o c h o 4  
A rcanA rcan. d n c r. d a. o a. n a r. c h o c o a d o h.  
d n <sup>23</sup> 6 h o. n o a. o a n a n d o o c n a n a A rcanA rcan  
d n c r. d a. o a. n a r. c h o c o a d o h. d n <sup>24</sup> A n d o h  
o. n o r. o a a c r. 3 A rcanA rcan. d n c r. d a. o a. n a r.  
c h o c o a d o 3 h. d n <sup>2</sup>

2 na rna acrc o a n ay o o a y  
an rron d n o A. nar\_v c h o n and h ay  
r o o rona y a A rcan A rcan d n

acrc o : an rron n d n o h, a c h o o h a nar\_v  
c h o a day o d n h c h, d n o o c h o and c r\_v n o  
d ca rona n r rono r\_v c h d ay h a r ad a a r ac on A rcan A rcan  
d n n o a a r on e o n y c h o a a nar\_v c h o  
A rcan A rcan d n a a n a r a o day o h y a an rron d o h  
a nar\_v c h o o r n c r\_v n n c r o n h r\_v a A rcan A rcan d n a n  
o h a n 2 day 2 n co a r on h d n a a n a r a o 2 day h c o  
h an rron acrc r h d on a d y h e o a n a n a o o c h o o  
on on h o h a a n d o a a an A. nar\_v c h o o h a c h o  
ac n and a a n o o r\_v o h a a n d o a n e o n y  
c h o o h a c h o ac n e B a d o o h Ma y n A. nar\_v c h o  
on A r 2 d d n o n n c r on a h a nar\_v c h o n h a o h  
2 2 c h o y a h day n r d n c r on a r r n c a and r n h  
ac d r d ay

3 A rcan A rcan d n a r o o rona y a h d a  
A. nar\_v c h o o Mon h o a a a r o h r r c r  
e r r a o r n o a c h o

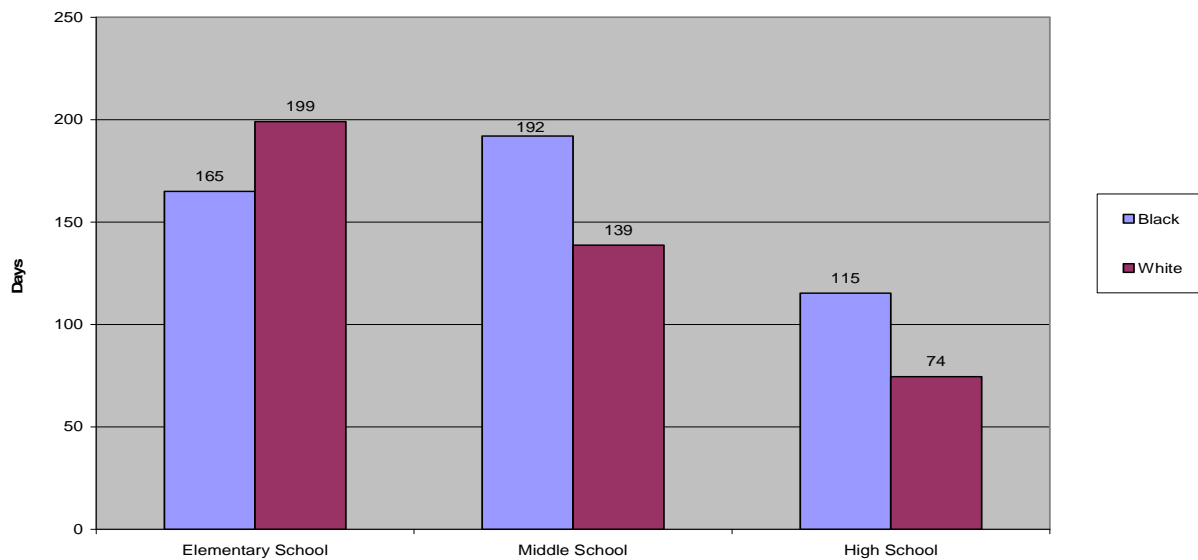
on ac n a a n a nar\_v c h o n A rcan A rcan d n a  
a h d h o on h o r n y a a a r a a o h d r c a nar\_v c h o  
d n o o y o r e y h d n o o y o r e y a r e y h c h  
d n a h a nar\_v c h o h a r o a n a c a n n o o n and a r\_v a n c h o h  
r r\_v r n o d o a n h r ay o o h a nar\_v c h o n and an rron ac

<sup>2</sup> on e o n y c h o 2 2 A c r\_v d n a a h 4



o, h, a c h o h a, n n o o n, d o n a h d c o n o. a h and  
 ad, n, a o a h a, n a, r, c h o and a a. A, r, c a n A, r, c a n d n a  
 n y n a o a n n o h d c o n a y o n o a d a y a y, h c, r, a o a n  
 h, a y a o, h a c a o o n, a d, h y a a h o d, n, h a, n a, r, c h o  
 o o n h o y a h a d a y, d o n, a d, n, h d, r, c a, n a, r, c h o  
 n h o a y d a a c a y h a, a n h o a y o A, r, c a n A, r, c a n h h c h o  
 d n n a, n a, r, c h o, 3 d a y a c o a d o a n a, a n h o a y o  
 4.4 d a y o h h h c h o d n h a, a n h o a y o A, r, c a n A, r, c a n  
 r d d c h o d n n a, n a, r, c h o, 2 d a y a c o a d o a n a, a  
 n h o a y o 3 d a y o h r d d c h o d n

**Graph 2: JPPSS Alternative School Length Of Stay By Race for each School Level**



Source: Jefferson Parish Public School System, Exhibit 1

A h a o, r d a d o n a h o n d n a c a y n a a, n a, r, c h o  
 a, n a, r, c h o n and n o, r, c h o and a c, r, h a, a d c, r, m a o y, c o n A, r, c a n  
 A, r, c a n d n h, d o c n d n n a o n a d h a A, r, c a n A, r, c a n d n

... n y a  $\mathbb{H}$  n o d e r o n a y d e r n ... a and a ... y o c r y o  
 ... n n c o n n e c t i o n e ... d o  $\mathbb{H}$  c h o o r c  $^2$  n a d d i t i o n a c ... d n a a o  
 } ... o r y o ... d o c h o  $\mathbb{H}$  a n  $\mathbb{H}$  h c o n a  $^3$  h d a r y  
 ... d e r o n a y d e r n ... a d o n a d y  $e^0$  a n a n  $e^B$  and  
 $e^0$  a n a n  $e^B$  a n  $\mathbb{V}$  n  $\mathbb{V}$  d n a n y ... h o a o n a c r o n ... a n o a  
 a n a  $\mathbb{V}$  c h o o r  $\mathbb{H}$  a h d e r c d ... n d a n o  $\mathbb{V}$  n a  $\mathbb{H}$  a o n c d n  
 ... n c a d ... c o a h y and ... o a n y ... a y ... a n o a n  
 a n a  $\mathbb{V}$  c h o o n ... o c c a r o n o n o  $\mathbb{V}$  n a and n a o r a  $\mathbb{H}$  a o n c d n  
 d o y n c a o o ... and n o o o n d e r o n n a c h n a n c ... c o d  $\mathbb{H}$  a  
 ... z d o a o r a c o c r y d d r



are d o o rona y a c A rca n A rca n c h d n h c h d n a h n o  
h n a r r con n c n c d n y c h o r c a d a a and h a o a c a d r e a c h r n

## VII. Discrimination on the Basis of Disability

### A. Section 504 of the Rehabilitation Act and Title II of the ADA Prohibit Discrimination on the Basis of Disability

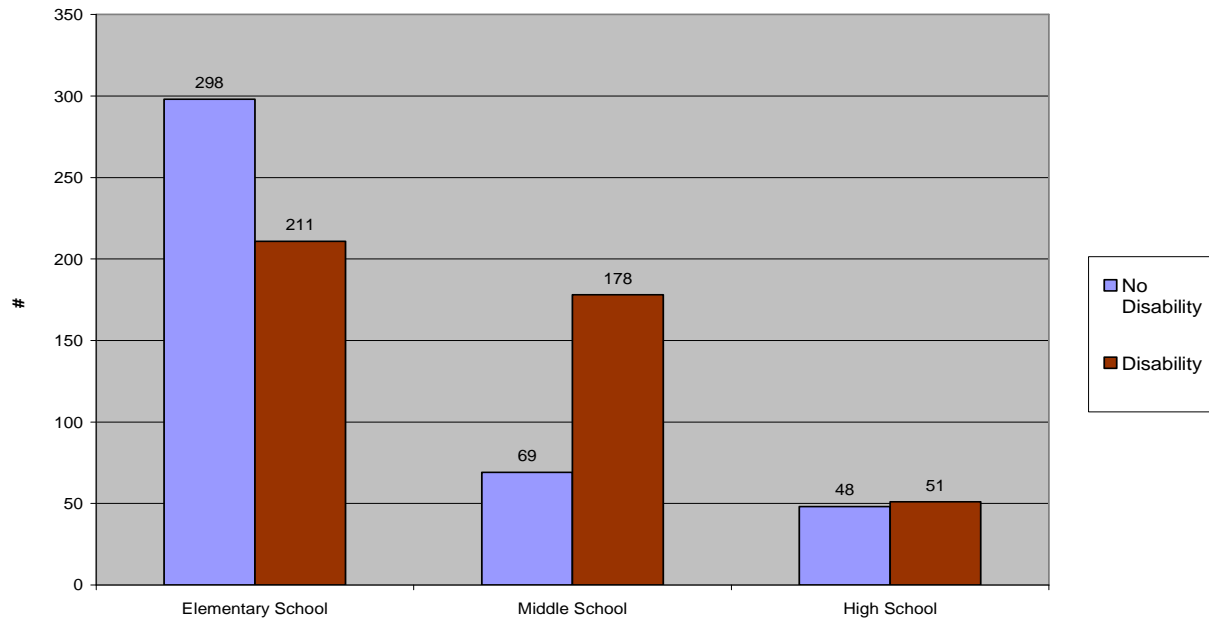
E n a y r c n r o n a y n o d c r n a a a n o r h d a r r  
c r o n 4<sup>3</sup> and n a

o a o a y y h c o h and ca d on o m h a  
a h d c r n a r o n o a n o h c r n r o h c r n a  
c o c o on ad n r a r y con o o a a n c o h a  
a

h h o c a h a h o o o h c r o n 4 and r o h A A r n o o  
o h n n r o n a d c r n a r o n y h c h o d r e c a a n d n h d a r r  
A h r c a n a o h n a c r n a r o n a c a c h o d r e c a c r n o  
d a r n a n c a a r n a n c a o r d d n o r n h b d o a d n r a r o n r h a h a y h  
c o h



**Graph 3: JPPSS Alternative School Referrals By Disability for each School Level**



Source: Jefferson Parish Public School System, Exhibit 1

d c r onay a o r c r c h o a d n r a o a n d o h  
 o n n o n a a y a d n r h a d a r r y o h a n a r y c h o r h b a d  
 o h d n n d r d a z d d c a r o n o a a c n o a c c o o d a r o n  
 n h a a a d c a h d n h a h r d a a n o c h o r c o n d c  
 h a r r y a d o h d n d a r r y n a d o o r d n r n c a d h a r o o  
 o d n r h d a r r y d r o n o a n d n a r n c r o n a B h a r o A n o  
 B h a r o n r n o n a n d n r h d a r r y o h d r c a n a r y

hd a... a... d o h d... a na... cho a a a n a ha... na  
d... naoy... con... d n... hd a...

a... o... y... h n a a c h a n o a c n y a n h a... a o  
h a. na... cho a a c h a n n h... d n... cho... no a c h a n o a o... c...  
a c n... h a. na... cho n... a h h y... c... n... h... d n...  
hd a... a no... o... d d... h... a d c a r o n a o o... n... a c o... a d o... h... a  
d c a r o n n... o n... n... no a... h y... o... d d... h... n d... d a r z d d c a r o n a o a... n... h y  
a... n... d o n d... c r o n 4 o... h... h... a... r o n A c... h... d c a r o n a o a a... h...  
d... c... a... na... cho... r... a o n... z... a... o a... h... y... d n... a c d... n... o n  
o a c o... c... n a d a y o o... h o... h a... r... o... o... n... n... a d... r... c o... a d



h, ay æ o h a c a o o n n o a r o n o h a . c r y  
n on n o r o n o c r o n 4 4 d n h d a r r b a d o h  
d r e a n a r y c h o a n a o a r y a n a r y c h o o o c a n d a a  
a a b d n h a n a r y c h o o o n h o y a a a h  
d e r n a o y c o n d n h d a r r d o n a d n h d r e a n a r y  
c h o n h o a y d a a c r c a y h a a n h o a y o d n h d a r r  
n a n a r y c h o , 22 3 d a y a c o a d o a n a a n h o a y o 4 d a y  
o n o n d a d d n 4 A h n a y c h o r d n h d a r r a n h a  
a n a r y c h o o a n a a o d a y o n

h d c ancy, ca d y d n o y. oicy h c r a y  
h c h d n a h a n a r c h o a n h a y o o h a n a r c h o a n a c  
o h a d c a r o n a n n <sup>4</sup> h o r c y h a h o h a o a n a n a n d a  
d n c a n n o o o o n o h n n h y c r a c a n n o o n y  
o n c r c c o r a n c h a o o a a r c a n o c o n c r r d a y h a  
d n a h o o o n a n n o n a d o n o o d h a o a n d h n h a a

acron in a, h and an an a. na, c, bo a and r.  
o, c h, h, h, c, o, d, c, r, n, a, n, a, a, n, a, a, d, d, n, h, d, a, r, r,  
o a cron 4 o h, h, h, a, r, r, a, r, o, n, A, c, and

... a ... h ... n ... ho ... an ... iron ... and ... h ... n ... ho ... ay ... o ... A ... can ... A ... can ... d ... n ... and ... d ... n ... h ... d ... a ... r ... a ... a ... n ... a ... r ... c ... h ... o

a d ... h ... day o May 2 2

... c ... y ... d  
... d n B ... an  
... d n B ... an  
... a ... h ... a ... z ... ann  
... a ... z ... an  
o ... h ... n ... o ... y ... L ... a ... e ... n  
443 ... a ... n ... LA  
4 4 ... 2 ... bn  
4 4 ... 4 ... a  
... e ... o ... c ... e ... a ... a ... an  
o ... h ... n ... a ... r ... y ... L ... a ... e ... n  
443 ... a ... n ... LA  
4 4 ... 2 ... bn  
4 4 ... 4 ... a

## **EXHIBIT INDEX**