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December 11, 2019

*Via Electronic Mail*

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RE: *Boudreaux v. School Board of St. Mary Parish, No. 65-11351 (W.D. La.)*

Dear Ms. Dill and Messrs. Hammonds and Blanchard:

On behalf of the Plaintiff Class in the above-captioned case, we write to express our grave concerns regarding school climate given racist social media posts by students enrolled in the St. Mary Parish School District (“District”).

Dismayed parents informed us that a disturbing photo is circulating on social media depicting two white students from Berwick High School holding a poster that states “N\*\*\*\* HoCo [(i.e., Homecoming)]” next to photos of Black students, Kool-Aid, and fried chicken (see Exhibit 1). From what we understand, one of the white students pictured in the photo originally shared it on social media in or before October 2019. The photo was then shared again by a Snapchat user on or about Tuesday, December 10, 2019. Shortly thereafter, a Black student enrolled in the District encountered this post, took a screenshot of it and, acting as a whistleblower, shared it on Facebook to inform the District and community about the original racist social media post.

As you know, as a defendant in a federal school desegregation case, the District has an affirmative duty “to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch,” *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971), and to demonstrate a good faith commitment to complying with desegregation orders and federal anti-discrimination laws. *See, e.g., Freeman v. Pitts*, 503 U.S. 467, 490-91, 498-99 (1992). *See also Augustus v. Sch. Bd. of Escambia Cty.*, 507 F.2d 152 (5th Cir. 1975). Furthermore, Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c et seq.,



prohibits racial discrimination in public elementary and secondary schools, including peer-to-peer racial harassment. *See Davis v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629 (1999). The District is thus bound both by federal court orders and federal law to affirmatively act to prevent students from harassing other students on the basis of race.

To facilitate our investigation of these racist social media posts, please produce the following information as soon as possible and, in any event, by December 20, 2019 to counsel for the Plaintiff Class via email or by regular mail to 700 14th Street NW, 6th Floor, Washington, DC 20005:

1. Copies of all documents in the District's possession, custody, or control related to the above-mentioned social media posts, including, but not limited to, reports from Gaggle, Social Sentinel, or any other system used by the District to monitor students' digital conduct.
2. Copies of all documents related to disciplinary actions taken in response to instances of racial harassment, including, but not limited to, the afore-mentioned social media posts.
3. Copies of all District policies and procedures that govern the District's response to student racial harassment on social media.
4. All other information the District believes may assist us in our review.

In addition, we ask the District to take the following steps to ensure that students are not subject to a hostile environment and that the District properly responds to racial harassment. Indeed, your client's willingness to consider these remedial measures will help foster confidence in the District's good faith commitment to meeting its desegregation obligations going forward. We request that the Board:

1. Promptly offer support services to the Black students pictured in the racist social media posts and inform the parents and/or guardians of the Black students pictured in the racist social media posts of the incident, the District's response, support services the District will offer to alleviate any stress caused by the racist social media posts, and steps the District will take to remedy the harm caused by the racial social media posts and prevent any similar incidents from happening in the future;
2. Ensure that there is no retaliation against whistleblowers who report allegations of racial harassment or raise awareness about an alleged act of racial harassment, even if they do so without directly contacting District personnel;
3. Promptly investigate all allegations of harassment of students based on race, color, or national origin that are known or reasonably should be known to the District;

4. Promptly act to eliminate a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected students;
5. As soon as possible, provide District educators with resources for addressing the racist social media posts and other instances of racial harassment (such as [Teaching Tolerance's Guide to Responding to Hate and Bias at School](#))<sup>1</sup>;
6. Issue a statement along with the Superintendent, by December 13, 2019, to be posted in prominent locations at each school and on each school's and the District's website, (a) declaring that the District does not tolerate harassment, including harassment based on race, color, or national origin, (b) encouraging students who believe they have been subjected to such harassment or a hostile environment to report it to a designated staff member (whose contact information should be listed), (c) stating that the District is committed to fully investigating such allegations, (d) warning that students who harass other students or otherwise create a hostile environment will be disciplined accordingly, and (e) inviting every member of the school community to work together to create a tolerant and inclusive learning environment;
7. As soon as practicable, conduct a school climate survey to assess whether the District's prior interventions have properly resolved concerns regarding racial harassment and/or a racially hostile environment;
8. Retain an independent consultant (such as the Region II Equity Assistance Center<sup>2</sup>), by December 20, 2019, to (a) conduct a comprehensive review of the District's school climate and the District's practices and policies that pertain to racial harassment and/or a racially hostile environment within the next 120 days, and (b) within the next 120 days, recommend steps the District should take to improve school climate and ensure that all instances of racial harassment and/or a racially hostile environment are properly addressed and remedied, including, but not limited to, revisions to policies, training, and lessons for students;
9. Develop, in consultation with Plaintiffs and the United States, revised policies and procedures that implement the independent consultant's recommendations; and
10. As a part of each school's regular curriculum, provide instruction to students on tolerance, diversity, and respect for others.

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<sup>1</sup> <https://www.tolerance.org/sites/default/files/2017-07/Responding%20to%20Hate%20at%20School%202017.pdf>

<sup>2</sup> Louisiana falls within Region II of the U.S. Department of Education's Equity Assistance Centers. The Region II Equity Assistance Center is the South Central Collaborative for Equity of the Intercultural Development Research Association.



We look forward to working with you and your clients to overcome these challenges and ensure that all St. Mary Parish students are afforded an equal opportunity to get an education. If you have any questions regarding this letter or would like to otherwise discuss this incident, please contact us at (202) 682-1300 or via our email addresses below.

Sincerely yours,

/s/ Michael N. Turnage Young  
Michael N. Turnage Young  
Samuel Spital  
Deuel Ross  
Ashok Chandran  
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*Counsel for the Plaintiff Class*

Cc: Ceala Breen-Portnoy, Esq., *Counsel for the United States*  
Alexander Chanock, Esq., *Counsel for the United States*

# Exhibit 1



Tj Malveaux is at Berwick High School.

Yesterday at 6:08 AM · Berwick, LA · 🌐

Berwick Panthers St. Mary Parish Schools KWBK TV 22Morgan City Daily-Review

Melanie Topham Eschette is this what we're teaching at home?

Let's get to the bottom of this! Unacceptable.



Yoo wtf is tho... 🤔 this shit not even funny, y'all getting besides y'all self now 🚫💬

🤔🤔👍 170

183 Comments 205 Shares