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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 follow up on our letter to you, dated December 11, 2019, and express increasingly grave concerns regarding the sufficiency of efforts by the St. Mary Parish School District (“District”) to address racial harassment of Black students given continued racist social media posts by students enrolled in the District.

Concerned parents have informed us about racist comments made on Snapchat by several Berwick High School students in response to the killing of George Floyd by the Minneapolis Police Department. In the Snapchat conversation, Berwick students wrote “F***in n*****” (see Exhibit 1), “just sit on their necks” and “it’s legal for you to shoot a n***** in your yard” (see Exhibit 2), “N***** are dumb” (see Exhibit 3), “I know I can call K----- a n***** and he’s fine with it but other than that I hate n***” (see Exhibit 4), and “Facts n***** black people need to be eradicated” (see Exhibit 5). The students acknowledged that they were “making extremely racist jokes” (Exhibit 6).

These messages have been shared hundreds of times on social media. Black parents, justifiably upset by the incident and a longer history of racism in the Berwick schools, have expressed unwillingness to send their children to the Berwick schools out of a fear that they will be racially harassed. *See, e.g.*, Exhibit 7, (“1 child graduated from Berwick High School but I’ll be dam if I let another child attend that school”); Exhibit 8 (“This is happening at Berwick every year and continuously swept under the rug”).



As you are aware, this is not the first incident of racist social media posts by Berwick High School students this year. In October 2019, a white Berwick High School student posted on social media a disturbing photo of himself and another white classmate holding a poster that stated “N**** Hoco [(i.e., Homecoming)]” next to photos of Black students, Kool-Aid, and fried chicken. After we wrote to you on December 11, 2019 about the photo, the District held a conference with the students involved, issued a statement that the District “in no way condones student behaviors that act to disrespect or demean any individual or group,” and provided school principals with resources for teaching about “accepting diversity.” Neither the official statement nor the email sent to school principals mentioned race or racism. As the latest racist comments by Berwick High School students make plain, those efforts were insufficient to address the racially hostile environment.

As you know, the District is under an obligation to eliminate racial discrimination “root and branch.” *Cowan v. Cleveland Sch. Dist.*, 748 F.3d 233, 238 (5th Cir. 2014). This includes addressing issues of school climate and how Black students are treated by their peers. *See, e.g., Augustus v. Sch. Bd. of Escambia Cty.*, 507 F.2d 152, 156-57 (5th Cir. 1975) (explaining, in a desegregation case, that a school board had the duty to address the discriminatory off-campus behavior of individual students); *Hereford v. Huntsville Bd. of Educ.*, No. 5:63-cv-00109-MHH, 2017 WL 5483734, at *13 (N.D. Ala. Nov. 14, 2017) (noting that social media posts involving students’ use of racial slurs were relevant in a school desegregation case). The District’s failure to adequately address racially discriminatory conduct by students is relevant to determining whether it has, in good faith, complied with the desegregation order. 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.

Because the District’s response to the October 2019 incident was plainly insufficient to remedy the racial harassment of Black students, we write now to reiterate the requests from our December 2019 letter. In addition, we ask that the District take the following affirmative steps to serve its Black student population.

1. Promptly offer support services to the Black students referenced in the June 2020 racist Snapchat messaging; inform the parents and/or guardians of those students of the incident, the District’s response, support services the District will offer to alleviate any stress caused by the incident, and steps the District will take to remedy the harm caused and prevent any similar incidents from happening in the future;



2. Discipline the students involved in sending the racist Snapchat messages;¹
3. As soon as possible, provide District educators with resources for addressing the racist social media posts (such as [Responding to Hate and Bias at School](#)² by Teaching Tolerance) and discussing the death of George Floyd and ensuing protests (such as lessons from [Facing History and Ourselves](#)³ and [PBS News Hour](#)⁴) and ensure that educators are able to implement these resources through distance learning; and
4. Update the District’s disciplinary policies, student code of conduct, and any other relevant materials to reflect that use of racist language and other forms of racial harassment may result in student discipline.

* * * *

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 (646) 831-0956 or via our email addresses below.

Sincerely yours,

Ashok Chandran
Samuel Spital
Deuel Ross
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¹ These messages do not constitute “non-threatening off-campus speech” that lies outside the District’s disciplinary authority; calls to “shoot a n*****” and assertions that “black people need to be eradicated” (*see* Exs. 2, 5) are undoubtedly threatening to Black students in the District. In fact, community members have expressed concern to us about their children’s safety in the Berwick schools as a result of these messages.

² TEACHING TOLERANCE, RESPONDING TO HATE AND BIAS AT SCHOOL (2017),

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

³ *Reflecting on George Floyd’s Death and Police Violence Towards Black Americans*, FACING HISTORY AND OURSELVES (last visited June 5, 2020), <https://www.facinghistory.org/educator-resources/current-events/reflecting-george-floyds-death-police-violence-towards-black-americans>.

⁴ *Death of George Floyd Sets off Massive Protests*, PBS NEWSHOUR (May 29, 2020), <https://www.pbs.org/newshour/extra/daily-videos/the-death-of-george-floyd-sets-off-massive-protests/>.



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