

**24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON**

**STATE OF LOUISIANA**

**NO. 843-951**

**DIVISION “D”**

**S.L., *INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILD*, I.L.**

***VERSUS***

**JEFFERSON PARISH SCHOOL BOARD AND JAMES GRAY**

Filed: \_\_\_\_\_

Deputy Clerk: \_\_\_\_\_

**AMENDED PETITION FOR PERMANENT INJUNCTION, DECLARATORY  
JUDGMENT, MANDAMUS, AND DAMAGES**

NOW INTO COURT, through undersigned counsel, come S.L. (“Ms. L.”), on behalf of herself and her minor child, I.L. (collectively referred to as “Plaintiffs”), who File this Amended Petition for Permanent Injunction, Declaratory Judgment, Writ of Mandamus, and Damages against the Jefferson Parish School Board (“JPSB”) and James Gray, in his official capacity as Superintendent of the Jefferson Parish Public School System (“JPPSS”) (collectively referred to as “Defendants”), who respectfully represent that:

**PRELIMINARY STATEMENT**

1.

I.L. is a bright eighth-grade student who is being denied the opportunity to attend a regular neighborhood public school with his peers and siblings without any due process and despite the existence of a statutory provisions expressly prohibiting the school district from taking such actions. Although I.L. has never been convicted of a felony or incarcerated for an act that would be a felony if committed by an adult and has not engaged in any other conduct that would grant a school district the authority to place him in an alternative educational setting, JPPSS has refused I.L. admission to his zoned school of attendance and instead placed him in an alternative school. JPSB originally attempted to justify this illegal action under the disciplinary authority granted to school districts in Louisiana Revised Statutes § 17:416(D) on the unsupported grounds of a nonexistent incarceration merely because for a period of time he attended a school located within the Orleans Parish Juvenile Justice Intervention Center (“JJIC”), a facility designed primarily to

house unadjudicated youth pending juvenile court proceedings. Defendants now attempt to characterize this illegal alternative placement as non-disciplinary in nature, but the Defendants' actions violate I.L.'s statutory and constitution rights regardless of how it is characterized. Ultimately, this case is about a harmful and illegal policy and practice maintained by Defendants of denying children admission to a regular public school and removing them to an alternative school on grounds not authorized by La. Rev. Stat. § 17:416(D) and expressly prohibited by La. Rev. Stat. § 17:221.2, and without affording the due process of law guaranteed by the state and federal constitutions. If allowed to go unchecked, this policy and practice would allow school districts like JPSB to put *any* student in an alternative school for *any* reason without affording them any due process protections such as notice and opportunity to be heard.

2.

This petition seeks permanent injunctive relief prohibiting Defendants from placing I.L. at an alternative school on these grounds and a Writ of Mandamus ordering his immediate enrollment in [REDACTED] Elementary, his zoned school of attendance, and removal of any reference to alternate placement from his record. Plaintiffs also seek a judgment awarding damages for the harms suffered and declaring Defendants' policies and practices pertaining to the alternate placement of students returning from pre-trial detention facilities to be unconstitutional under Louisiana Constitution article I, section 2 and its federal counterpart and in direct violation of the statutory provisions cited herein contained in Title 17 of the Louisiana Revised Statutes.

## **PARTIES**

3.

Plaintiffs S.L. and I.L. are both residents of Jefferson Parish. S.L. is the parent of I.L., a minor child. I.L. is a fourteen-year-old JPPSS student in the eighth grade. S.L. and I.L. are initials needed to protect the identity of I.L.<sup>1</sup>

4.

Defendant Jefferson Parish School Board is a political subdivision of the State of Louisiana capable of suing and being sued and charged with establishing and maintaining the public schools

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<sup>1</sup> A Motion to Proceed Anonymously was granted by the Court on August 16, 2023.

within its jurisdiction. La. Rev. Stat. §§ 17:51, 17:81, 17:100.5. The public schools within the jurisdiction of the JPSB, which include [REDACTED] Elementary and Douglass Community School, are collectively known as the Jefferson Parish Public School System.

5.

Defendant James Gray, in his official capacity as Superintendent of JPPSS, is charged with establishing and maintaining the public schools within the jurisdiction of JPSB. La. Rev. Stat. §§ 17:51, 17:81, 17:100.5. Defendant Gray is sued in his official capacity only.

### **JURISDICTION & VENUE**

6.

The Louisiana Code of Civil Procedure grants this court jurisdiction to decide the claims raised within the current petition as well as the authority to provide all relief sought. The Court has jurisdiction to order injunctive relief where irreparable injury, loss, or damage, may result to the applicant or in other cases specifically provided by law such as to prevent government policies or practices in violation of statutory or constitutional rights. La. Code Civ. Proc. art. 3601 *et seq.* Courts also have the authority to declare rights, status, and other legal relations of interested parties through declaratory judgments. La. Code Civ. Proc. arts. 1871-1875. The Court has authority to issue a writ of mandamus directed to a public officer to compel the performance of a ministerial duty required by law. La. Code Civ. Proc. arts. 3862-63. The Court also has authority to award damages for delictual obligations brought by Ms. L. on behalf of her son pursuant to La. Code Civ. Proc. art. 4061 and for denying a student due process pursuant to La. Code Civ. Proc. art. 2315(A). *See Christy v. McCalla*, 79 So. 3d 293, 299 (La. 2011). The applicability of the factual allegations contained in this petition to the provisions cited above bestows jurisdiction to the Court over all matters raised herein.

7.

Venue is proper in the 24<sup>th</sup> Judicial District Court for the Parish of Jefferson because Defendants are domiciled in Jefferson Parish and because “[a]ll suits filed against a political subdivision of the state or against an officer or employee of a political subdivision for conduct arising out of the discharge of his official duties or within the course and scope of his employment

shall be instituted before the district court of the judicial district in which the political subdivision is located or in the district court having jurisdiction in the parish in which the cause of action arises.” La. Rev. Stat. § 13:5104(B).

## FACTUAL ALLEGATIONS

### *Facts Related to Alternative School Placement*

8.

I.L. has been a student within JPPSS for most of his life and has never previously been expelled or received a disciplinary placement to an alternative school. He attended [REDACTED] Elementary on the West Bank of Jefferson Parish from early elementary school through January of his seventh-grade year. On or about February 2023, during the second semester of seventh grade, I.L. began attending Travis Hill Middle School (“Travis Hill”), an Orleans Parish charter school located within the city’s juvenile detention center known as JJIC. I.L. completed the 2023-2024 school year at Travis Hill earning excellent grades and promotion to the eighth grade. Exhibit A (Report Card).

9.

While I.L. attended Travis Hill, Ms. L. continued to reside in Jefferson Parish but moved residences to a location that is within the attendance zone of [REDACTED] School (“[REDACTED]”), a K-8 school located on the West Bank of Jefferson Parish. I.L. has [REDACTED] siblings who currently attend [REDACTED], which is also now his zoned school of attendance. Ms. L. and I.L. reside within one mile of [REDACTED]. Exhibit E (Map Directions).

10.

On or about August 1, 2023, Ms. L. went with required documentation in hand to JPSB central offices located at 501 Manhattan Blvd. in Harvey to enroll I.L. in [REDACTED]. She was directed to the Department of Compliance to enroll her child, and everything was going well until the JPPSS official assisting her learned that I.L. was coming from Travis Hill in New Orleans. The JPPSS official immediately produced a JPSB form labeled Admission Request to Jefferson Parish Schools from Alternative Setting Placement, Expulsion, or Correctional Facility. The JPPSS official instructed her to fill out the form by checking a box indicating that the student had been incarcerated. Ms. L. objected explaining that I.L. had not been incarcerated, but the official insisted

that she had to check the box and complete the form in this manner. During this interaction, the female JPPSS official informed Ms. L. that I.L. may have to be assigned to an alternative school, and let her know that someone would contact her.

11.

On or about August 1, 2023, Ms. L. received a call from a male JPPSS official with the Department of Compliance believed to be Mr. Otis Guichet. Mr. Guichet informed Ms. L. that I.L. could not be enrolled at [REDACTED] until he spoke with individuals from I.L.'s prior setting to learn more about the reason for his enrollment at Travis Hill. Mr. Guichet told Ms. L. that I.L. could be placed in an alternative school for fifteen or forty-five days if he were refused admission to his regular school. He informed Ms. L. that she would be notified when a decision had been made.

12.

Based on the troubling information provided by JPPSS officials, Ms. L. sought the assistance of legal counsel. Counsel for Ms. L. contacted the Chief Legal Counsel for Jefferson Parish Schools, Ms. Patricia Adams, on August 3, 2023 to inform her of the situation with I.L., to explain the illegality of preventing I.L. from enrolling at [REDACTED] and instead placing him at an alternative school, and to request that he be immediately enrolled in [REDACTED] as his zoned school of attendance. A series of phone calls and emails were exchanged between counsel regarding these issues. *See Exhibit B (Email Thread)*. Through the emails sent by counsel for Ms. L. to counsel for JPSB, Ms. L. filed in writing her detailed objections to the assignment of her son to a particular school, Douglass, and also petitioned in writing for her son's assignment or transfer to another designated school, [REDACTED] *See id.*

13.

On August 4, 2023 at 12:46 pm, Mr. Guichet emailed Ms. L. an Alternative School Placement/Contract form that I.L. was being placed in a general education out-of-district placement for forty-five days at Douglass Community School. Exhibit C (Alternative School Placement/Contract). Upon information and belief, Douglass is an alternative school for students who are expelled or placed in long-term suspension within the meaning of La. Rev. Stat. § 17:416. Counsel for Ms. L. notified Defendants that she would be seeking a TRO as soon as possible if the

decision to place I.L. at Douglass were not reversed. Shortly thereafter, counsel for the district speaking on behalf of the JPSB confirmed that “[W]e will not reverse the decision.” Exhibit B.

14.

At no point prior to the decision to place I.L. in an alternative school did a school principal or designee advise I.L. of the particular misconduct of which he was being accused as well as the basis for such accusation. The district also failed to provide I.L. with a hearing or conference of any kind in front of a principal or designee to explain his version of the facts or with any of the other due process protections associated with alternate placement contained in La. Rev. Stat. § 416.

15.

On August 24, 2023, counsel for JPSB sent counsel for Ms. L. a letter with the subject heading “Response to Objections Pursuant to La. R.S. 17:106.” Exhibit F (JPSB Response to Objections). On the same day, counsel for Ms. L. submitted via email to counsel for JPSB her exception to the school board's findings and asked for reconsideration of the decision. *Id.* She has not received a response. Exhibit G (E-mail of Aug. 24, 2023). More than fifteen days have passed since the School Board sent their response letter and since Ms. L. filed her exception asking for reconsideration, thereby rendering it a final decision.<sup>2</sup> The 2023-2024 school year for JPPSS began on August 7, 2023. Every day that passes is another day in which I.L. languishes in an illegal and inappropriate alternative school placement.

*Relevant Facts Related to Juvenile Court Proceedings*

16.

Although the JJIC is a juvenile detention facility designed primarily to house youth in the pre-adjudication phase of delinquency and Family in Need of Services proceedings, the reason for I.L.'s attendance at a school located within the JJIC is not relevant to this matter except to note that I.L. has never been convicted of a felony and has never been incarcerated because he has never received a disposition with an executory term of commitment placing him in the secure custody of

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<sup>2</sup> JPSB already issued a final decision on August 4, 2023 when counsel for JPSB informed Ms. L. “[w]e will not reverse the decision.” Exhibit B at 1. However, the JPSB Response to Objections issued on August 24, 2023 eliminates any doubt that Plaintiffs have exhausted the procedures established in La. Rev. Stat. §§ 17:106 and 108 for challenging a student's assignment to a particular school.

the state for a felony-grade delinquent act. *See* Exhibit D (Affidavit of [REDACTED]). At no point have Defendants possessed or produced any documentation or evidence that I.L. has ever been given an executory sentence or disposition committing him to or placing him in state's custody. Instead, they have only received repeated assurances that no such disposition or sentence had ever been ordered. Exhibits B and D.

17.

Nevertheless, Defendants repeatedly asked Ms. L. to divulge confidential information regarding juvenile court proceedings in violation of La. Child. Code art. 412 despite having already identified the proper process for school districts to acquire such information legally from a juvenile court. Exhibit B at 2. On August 10, 2023, the school board finally decided to follow those procedures by filing a Motion for Disclosure of I.L.'s juvenile records with the Orleans Parish Juvenile Court. On August 25, 2023, Plaintiffs filed an Opposition to School Board's Motion for Disclosure with the Orleans Parish Juvenile Court. On August 30, 2023, the Orleans Parish Juvenile Court held a contradictory hearing on the Motion for Disclosure and denied the school board's request for I.L.'s juvenile records.

*Procedural History of Current Civil Proceedings*

18.

On August 7, 2023, Plaintiffs filed their original Petition for a Temporary Restraining Order, Preliminary and Permanent Injunction, Declaratory Judgment, Writ of Mandamus, and Damages. On August 7, 2023, the Court denied Plaintiffs' Petition for a TRO and set a Preliminary Injunction Hearing for August 16, 2023. Both parties appeared before the 24<sup>th</sup> JDC on that day to present arguments on the preliminary injunction with proof at the hearing taken upon the verified pleadings and supporting affidavits. The Court denied the request for a preliminary injunction finding that the student's placement in an alternative school was not the result of a disciplinary decision and that Jefferson Parish School Board policy allows for placement in schools outside the zone of attendance when circumstances warrant. At the time of the Preliminary Injunction Hearing, Plaintiffs had not pled a violation of La. Rev. Stat. § 17:221.2 in their original Petition as they do now in this Amended Petition.

19.

Defendants have yet to file an Answer to the original Petition for a Temporary Restraining Order, Preliminary and Permanent Injunction, Declaratory Judgment, Writ of Mandamus, and Damages. As a result, Defendants have failed to file a timely Answer within the twenty-one days of service of citation as required by La. Code Civ. Proc. art 1001(A).

### LEGAL FRAMEWORK

20.

Plaintiffs hereby incorporates by reference the allegations contained in paragraphs one through nineteen and within any of one of the counts below, as if fully set forth within each and all of the counts listed below.

#### COUNT ONE: VIOLATION OF CONSITUTIONAL RIGHT TO DUE PROCESS

21.

The actions of Defendants described herein violate I.L.’s state and federal constitutional right to due process of law. The Louisiana Constitution provides that “[n]o person shall be deprived of life, liberty, or property, except by due process of law.” LA CONST. art. 1, § 2; *see also* U.S. CONST. amend. XIV (“nor shall any State deprive any person of life, liberty, or property, without due process of law”). The U.S. Supreme Court has recognized that a student’s legitimate entitlement to a public education is a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.” *Goss v. Lopez*, 419 U.S. 565, 574 (1975). The Court in *Goss* held that “[w]here a person’s good name, reputation, honor, or integrity is at stake because of what the government is doing to him,’ the minimal requirements of the [Due Process] Clause must be satisfied.” *Id.* (quoting *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971); *Board of Regents v. Roth*, 408 U.S. 564, 573 (1972)). The students in *Goss* were suspended for far shorter periods than I.L. (up to ten days), but the Court still recognized that the accusations could seriously damage the students’ standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment. *Id.* at 575.

In the context of school expulsion, Louisiana courts have similarly held that “no principle of procedural due process is more clearly established than that notice of the specific charge, and a chance to be heard in a trial of the issues raised by that charge are among the most fundamental rights in any proceeding where notice is required.” *Labrosse v. St. Bernard Parish School Bd.*, 483 So. 2d 1253, 1258 (La. 4<sup>th</sup> Cir. App. 2/14/1986) (upholding the reversal of a school district’s expulsion of a student). Moreover, the right to due process extends not only to expulsions but also to all removals, such as the *de facto* disciplinary removal in the current matter, and alternative school placements that implicate a student’s liberty or property interests. In a case involving a student’s placement at an alternative school, the Louisiana Supreme Court held that constitutional requirements impose a duty on the School Board to refrain from arbitrarily suspending or expelling [a student] without affording him due process.” *Christy v. McCalla*, 79 So. 3d 293, 300 (La. 2011). A due process analysis to the student’s alternate placement was required because of the liberty interest implicated by the stigmatization that results “by breaching this duty in imposing a wrongful suspension or expulsion.” *Id.* Similarly, Louisiana appellate courts have also held that the minimal requirements of due process also apply to the assignment of a student to an alternative school because of the deprivation of liberty associated resulting from the placement “which may harm a student’s good name and reputation.” *McCall v. Bossier Parish Sch. Bd.*, 785 So. 2d 57, 66 (La. 2<sup>nd</sup> Cir. App. 3/16/2001) (citing *Goss*, 95 S. Ct. at 736).

The arbitrary and capricious actions of JPSB to deny I.L. admission to his zoned school of attendance and place him in an alternative school without any evidence, affording him an opportunity to be heard, or following any of the other minimal procedural safeguards required by state law violates his state and federal constitutional right to due process. It is of no moment that Defendants have inconsistently alternated their purported justifications for this illegal action by at times relying on the disciplinary authority granted to school districts under La. Rev. Stat. 17:416(D) and at other times characterizing the alternate placement as non-disciplinary in nature. I.L.’s liberty and property interests are implicated regardless of how the alternative school

placement is labeled due to the damage to his reputation and the stigma resulting from placement at an alternative school for an entire quarter of the school year.

**COUNT TWO: VIOLATION OF STATUTORY AUTHORITY RELATED TO  
ALTERNATE SCHOOL PLACEMENT**

24.

The actions of Defendants described herein exceed the statutory authority granted to school districts related to alternate placement and thereby violate I.L.’s statutory rights. The governing authority of each public elementary and secondary school is required to adopt a student code of conduct governing students within its jurisdiction that complies with state and federal law regarding student discipline. La. Rev. Stat. § 17:416.13; *see also id.* § 17:416(L). The disciplinary authority granted to school districts under Louisiana law is generally limited to conduct that occurs “in school or on the playgrounds of the school, on the street or road while going to or returning from school, on any school bus, during intermission or recess, or at any school-sponsored activity or function,” unless otherwise specifically enumerated in the Louisiana discipline code. *Id.* § 17:416(A)(1)(a).

25.

For conduct not occurring on school grounds and unrelated to school activities, school districts may refuse admission to a school only upon “conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act” that would have constituted a felony if committed by an adult. *Id.* § 17:416(D); *see also* 28 La. Admin. Code § 1307.

26.

While Title 17 of the Revised Statutes does not define the term incarceration, laws governing the operation of the juvenile justice system in the Children’s Code and Title 15 of the Revised Statutes differentiate pre-adjudication continued custody in juvenile detention centers in such a manner that this type of placement cannot reasonably be interpreted as constituting incarceration in a juvenile institution. As to the pre-adjudication detention of youth in delinquency proceedings, the Louisiana Children’s Code specifies that “[t]he taking of a child into custody is not an arrest, except for the purpose of determining its validity under the Constitution of the United

States or the Constitution of Louisiana.” La. Child. Code art. 812(B).<sup>3</sup> Further, juvenile detention centers cannot be considered correctional facilities or any other kind of carceral setting because it is illegal to use a juvenile detention center such as JJIC to “punish, treat, or rehabilitate the child” accused of a delinquent act. La. Rev. Stat. § 15:1110(C)(1)(a). As a result, children held in juvenile detention centers are not incarcerated within the meaning of La. Rev. Stat. § 17:416.

27.

Youth who have been adjudicated delinquent may under some circumstances be committed to the Department of Public Safety and Corrections (DPSC), Office of Juvenile Justice (“OJJ”), and placed in state-run secure facilities as part of a disposition. *See* La. Rev. Stat. §§ 15:901, 905; La. Child. Code arts. 897, 897.1, 899. The section of the criminal procedure statutes dedicated to “Juvenile Institutions” defines a juvenile facility as a “facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted by any agency of the state.” La. R.S. § 15:903.1(C)(2). The same section of Title 15 of the Louisiana Revised Statutes, Part IV-B, does not contain provisions related to the operation of juvenile detention centers, which are housed in Part XI of Title 15. *Compare* La. R.S. §§ 15:901-21 *with* La. R.S. §§ 15:1091-1110.2. Therefore, it is only while actually serving<sup>4</sup> a disposition of commitment to DPSC custody in a secure juvenile facility operated or contracted by OJJ that a delinquent child could be considered incarcerated in a juvenile institution under Louisiana law.

28.

The distinction between detention and incarceration is also recognized at the federal level. The U.S. Department of Justice (“DOJ”), for example, distinguishes between detention and incarceration characterizing the terms as “two separate but related functional areas of responsibility.” U.S. DOJ, *Strategic Plan 2000-2005* 75 (2000).<sup>5</sup> In the adult context, DOJ defines detention as the temporary holding of individuals accused of crimes while it defines incarceration as “the long-term confinement of individuals convicted and sentenced” for crimes. *Id.*

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<sup>3</sup> Similarly, juvenile adjudications are not convictions because the juvenile system is noncriminal and civil in nature. *See State in the Interest of C.B.*, 708 So.2d 391 (La. 1998).

<sup>4</sup> The Children’s Code gives juvenile courts the authority in most instances to “suspend the execution of the whole or part of any order of commitment and place the child on probation.” La. Ch. Code art. 897(E).

<sup>5</sup> available at [https://www.justice.gov/archive/mps/strategic2000\\_2005/goal5.htm](https://www.justice.gov/archive/mps/strategic2000_2005/goal5.htm) (last visited Aug. 4, 2023).

29.

Furthermore, Louisiana statutory protections related to alternative school placement clearly mandate that “[p]rior to *any* out-of-school suspension, *assignment to alternative placement*, or expulsion, the school principal or his designee *shall* advise the student in question of the particular misconduct of which he is accused as well as the basis for such accusation, and the student *shall* be given an opportunity at that time to explain his version of the facts to the school principal or his designee.” *See* La. Rev. Stat. § 17:416(A)(3)(b)(i) (emphasis added).

30.

As set forth above, at no time prior to the August 4<sup>th</sup> Decision Letter notifying I.L. of his alternative placement did any JPPSS principal or his designee provide I.L. any notice of the particular misconduct of which he was accused or give I.L. any opportunity to explain his version of the facts as specifically required for any alternative placements by La. Rev. Stat. § 17:416(A)(3)(b)(i). School officials spoke only with Ms. L. rather than with the student I.L. and the August 4, 2023 Decision Letter did not list any grounds for I.L.’s placement at Douglass alternative school in lieu of his zoned school of attendance. *See* Exhibit C. The student has never been incarcerated and was not accused of having violated any school rules. He, therefore, could not have been legally placed in an alternative school pursuant to La. Rev. Stat. § 17:416. Even if he had been incarcerated or violated a school rule, however, the alternative school placement would still have been illegal because the school district did not follow the procedures required by La. Rev. Stat. § 17:416(A)(3)(b)(i). The alternate placement decision was made without any notice of the particular allegation or opportunity afforded to the student for a disciplinary conference. As a result, Defendants have denied I.L. and his mother the procedural protections applicable to any placement at an alternative school for any reason pursuant to La. Rev. Stat. § 17:416.

**COUNT THREE: VIOLATION OF STATUTORY AUTHORITY RELATED TO  
SCHOOL PLACEMENT GENERALLY**

31.

While JPSB has the general authority to develop and implement policies and rules related to the operation of its school district, these policies must be “not inconsistent with state law” as the general school laws contained within Title 17 of the Louisiana Revised Statutes govern JPSB

as they do all school boards within the state. La. Rev. Stat. § 17:60.1(D). Notably, Louisiana law expressly prohibits denying a student admission to a particular school requested by the parent under circumstances directly applicable to I.L. Specifically, the Louisiana Revised Statutes provide that:

*Notwithstanding any law, rule, or regulation to the contrary, if not specifically contrary to the provisions of an order of a court of competent jurisdiction providing for the assignment of pupils within the school system, and except as otherwise provided by Paragraph (2) of this Subsection, a city or parish school board shall assign a student to attend any public school requested by a parent or other person responsible for the student's school attendance when the requested school has space available and is of a suitable grade level, and the child resides not more than one mile from such school measured by the distance to be traveled on public streets or highways, or by the boundary of a subdivision.*

La. Rev. Stat. § 17:221.2(A)(1) (emphasis added).

32.

In the current matter, [REDACTED] has the appropriate grade level for I.L., there is no question of availability of space, and I.L. resides less than a mile from the school. Exhibit E (Map Directions). Therefore, JPSB is statutorily required to assign I.L. to attend [REDACTED] notwithstanding any other law, rule, regulation, or illegally written or applied JPSB policy to the contrary. In prior pleadings, Defendants framed the legal question at issue in this matter as “whether the Board acted within its legal authority to assign a student to a particular educational program within its jurisdiction.” School Board Response at 1. The clear answer to this question is that Defendants do not, in fact, have the legal authority to assign I.L. to any school but his zoned school of attendance under these circumstances because the specific requirement of La. Rev. Stat. § 17:221.2 prohibit such a decision notwithstanding any school board policies related to out-of-district placements and notwithstanding any other law, rule, or regulation to the contrary. The actions, policies, and practices of Defendants in this instance are, therefore, inconsistent with state law related to placement of students situated in this manner.

**COUNT FOUR: INTENTIONAL, OR IN THE ALTERNATIVE NEGLIGENT,  
INFLECTION OF EMOTIONAL DISTRESS**

33.

The actions of Defendants described herein collectively rise to the level of extreme and outrageous conduct that the emotional distress suffered by Ms. L. and I.L. is severe. Defendants either intentionally desired to inflict severe emotional distress or should have known that severe

emotional distress would be certain or substantially certain to result from their conduct. The actions of Defendants have caused Ms. L. and I.L. emotional distress, anxiety, humiliation, loss of enjoyment of life, and damage by violating their constitutional rights.

**COUNT FIVE: 42 U.S.C. § 1983, VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW - STATE AND FEDERAL CONSTITUTIONAL DUE PROCESS CLAIMS**

34.

S.L. and I.L. have a right to Procedural Due Process pursuant to the State Constitution and Federal Constitution as set forth in Count One of this Amended Petition. Defendants violated S.L. and I.L.'s rights to Procedural Due Process while acting under color of state law, individually and collectively.

35.

Defendants are liable to S.L. and I.L. for Defendants' violation of their rights to Procedural Due Process because the unconstitutional actions of Defendants were approved, tolerated, permitted, or ratified by established customs, policies, practices, or procedures established by the Jefferson Parish School Board and all Defendants, including but not limited to the following violations: 1) Defendants subjected S.L. and I.L. to a fundamentally unfair process; 2) Defendants failed to issue policies and procedures needed to ensure I.L. adequate notice of grounds for placement in the most restrictive alternative school setting and an opportunity to be heard prior to alternate placement; 3) Defendants applied Board policy and state law in a manner that is inconsistent with state law and procedures and constitutional protections; 4) Defendants conspired to deny S.L. and I.L. their state and federal constitutional rights, which they violated as set for in Count 1 of this Amended Complaint.

**PRAYER FOR RELIEF**

36.

WHEREFORE, upon consideration of the law and facts incorporated herein, Petitioners respectfully request that this Court grant the following relief:

1. A permanent injunction prohibiting Defendants from placing I.L. in an alternative school and ordering Defendants to enroll I.L. immediately in his zoned school of attendance.

2. A writ of mandamus ordering Defendants to perform the ministerial duty of removing any reference to the denial of admission and placement at an alternative school from I.L.'s record and to alter any forms or written policies regarding alternate placement accordingly.
3. A declaratory judgment that the JPSB's policy and practice of place students returning from juvenile detention centers in alternative schools and its implementation of this policy and practice against I.L. are illegal pursuant to Article 1, section 2 of the Louisiana Constitution and La. Rev. Stat. § 17:416.
4. Damages for the injuries and losses Plaintiffs have suffered and will continue to suffer as the direct and proximate cause of the violation of their rights at the hands of Defendants, including general damages; mental pain, suffering, anguish, humiliation, and loss of self-esteem; future counseling and tutoring, legal expenses and costs, and other economic losses and damages as will be proven at trial.
5. Nominal damages for violations of Plaintiffs' constitutional rights pursuant to 42 U.S.C. § 1983.
6. Attorneys' fees and costs as allowed by law.
7. Any other, further, equitable and general relief as the Court may deem just and proper or to which Plaintiffs are entitled under the law.

Respectfully Submitted:



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**CERTIFICATE OF NOTICE TO DEFENDANTS**

I, Hector Linares, Attorney for Plaintiffs S.L. and I.L., do hereby certify that a copy of the foregoing Petition has been served upon counsel of record by U.S. Mail and electronic mail pursuant to La. C. C. P. arts. 1312 and 1313, this 11th day of September, 2023.



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**HECTOR LINARES**