

August 4, 2014

Via Hand Delivery & E-mail

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Re: Complaint for Injunctive Relief

Gentlemen:

This will provide you with a draft of the Complaint for injunctive relief which is being contemplated against the Lafayette Parish School Board and certain of its individual members.

Local Rule 65.1 of the Western District of the United States District Court requires certification that actual notice of all pleadings and other papers filed in an injunction action be furnished to the adverse party's attorney. This Complaint is being provided in advance of its filing with our request for a meeting with the three of you in the hope of resolving these matters without the necessity of actual litigation.

The current dysfunction of the School Board and certain of its members manifest around two specific issues: the "investigation" of the Superintendent and the current budget impasse. Both are grounded in a common source with the end result impacting our faculty, the administration and our entire student population with a disproportionate negative impact on our most vulnerable student populations namely the minority and economically disadvantaged. This gives rise to both federal due process and civil rights claims as are more fully detailed in the draft Complaint.

The remedies sought are the disqualification of two School Board members from any termination adjudication based upon their documented bias toward the Superintendent; and, the roll forward of fifty percent (50%) of the 2013-2014 LPSS budget for the current fiscal year. These claims can be readily resolved without the necessity of litigation on the following basis.

First, the detailed factual allegations and relevant federal jurisprudence referenced in the Complaint [particularly the *Harris* and *Valley* decisions] demonstrate a strong likelihood of

success in obtaining the disqualification of both defendant School Board members. Should either be disqualified due to their demonstrated bias, recent voting history would indicate that the requisite six votes necessary to terminate the Superintendent's contract could not be reached. In light of that fact and the lack of any specific publically voiced complaints by the six Board Members who authorized the "investigation", that investigation should be immediately terminated to avoid further expense and disruption.

Second, LRS 39:1312 should be invoked to eliminate the budget chaos plaguing the opening of our schools on August 12. That state law provides:

"If, at the end of any fiscal year, the appropriations necessary for the support of the political subdivision for the ensuing fiscal year have not been made, then fifty percent of the amounts appropriated in the appropriation ordinance or resolution for the last completed fiscal year **shall be deemed reappropriated** for the several objects and purposes specified in such appropriation ordinance or resolution."

The Lafayette Parish School System's fiscal year terminated on June 30, 2014. Invocation of LRS 39:1312 could have avoided the disruption of the lives of the students and employees of the school system and the embarrassment of our entire community. Doing so now, will relieve the immediate impasse and allow the school system to conclude staffing and preparations to open the 2014-2015 school year on August 12.

Time is of the essence. I am available to meet with you Tuesday afternoon or Wednesday prior to the August 6 School Board meeting and request that this be added as "Executive Session" and "Action" agenda items for that meeting.

Respectfully,

Gary McGoffin

SGM/ms

Enclosures (Federal Complaint for Injunctive Relief; Proposed Resolution)

cc: Greg Davis