

court's permission to intervene in the Monroe City School Board's desegregation case.

A memorandum to the motion alleges failure to act and bad faith on part of some board members and either ignorance, complicity or nonfeasance regarding the board's actions on the part of the U.S. Department of Justice.

NAFA, Jones and Hanks object to hiring the Educational Planning Group as the independent court monitor, a position required by the MCSB consent decree, because they say the consultants are inexperienced and unqualified and the firm is biased and lacks the objectivity required of an independent court monitor.

The motion, drafted by Scott Wolleson and Russell Woodard Jr., of Breithaupt, Dunn, DuBos, Shafto & Wolleson LLC, call on Rule 24(a)(2) of the Federal Rules of Civil Procedure and included a memorandum in support signed by three Monroe City School Board members — Bill Willson, Jennifer Haneline and Vickie Dayton.

Rule 24(a)(2) states:

(a) Intervention of Right. On timely motion, the court must permit anyone to intervene who:...

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Federal Judge Robbie James has not yet ruled on the motion for leave to intervene. Board members met in James' chambers with representatives from the U.S. Department of Justice to review the consent decree on Monday afternoon.



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[MCSB to meet with federal judge Monday](#)

NAFA is a nonprofit formed in 1995 that provides supplemental funding for programs and projects at Neville High School. Dwayne Ludley, who has served on the NAFA board since 2013, signed a declaration stating the group has "a direct and substantial interest in the course offerings and assignment of principals, teachers and staff" at the school in addition to other programs that will be implemented throughout the district under the consent decree.

Greg Jones has a child who attends Neville, and Nici Hanks' children attend Lee Junior High School and Sallie Humble Elementary School, both feeder schools to Neville.

In the memorandum, Willson, Dayton and Haneline attest that board President Rodney McFarland and Vice President Brenda Shelling have frustrated their efforts to participate in implementing the consent decree by:

- Discouraging them from attending a September hearing on consideration of unitary status
- Failing in to adequately inform all board members of the ruling on unitary status
- Refusing to include all board members in the negotiation process for the consent decree adopted in December
- Refusing to include all board members in the process to select the independent court monitor required by the consent decree
- Soliciting the votes of board members Daryll Berry and Brandon Johnson to adopt the Educational Planning Group without prior discussion of the group with all members
- Introducing the Educational Planning Group to the DOJ in early December with neither notice to nor input from other board members, all prior to a board vote to hire the contractors
- Attempting to put on the agenda during a Dec. 15 board meeting a resolution to hire the Educational Planning Group as the court monitor without providing information to all board members
- Failing to disclose that the Educational Planning Group and M3A Architecture, a firm the board has hired for several large projects, are both owned by William McElroy

According to the memorandum, these statements "establish nonfeasance and bad faith on the part of the MCSB and, potentially, collusion between certain MCSB members and the United States with respect to the appointment of a court monitor. ...

"The United States was either complicit in the actions of the MSCB or, through nonfeasance of duty, ignorant of MSCB's backroom tactics to select EPG as the Independent Court Monitor."

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The memorandum notes that because of the "well-publicized dispute between MCSB members emanating from the above-referenced actions of MCSB," the board failed to select a court monitor by the court's original deadline and had to get an extension. On Jan. 21, the DOJ and the MCSB filed a joint status report stating that the board could hire the Educational Planning Group.

"Apparently, the United States consents, but appears to hedge by not affirmatively selecting any court monitor," the memorandum reads.

A footnote to this statement continues:

"There is legitimate doubt as to whether the existing parties have even made a selection. According to the joint status report, it appears that the United States simply deferred to the selection made by the school board, which is indicative of collusion and nonfeasance."

According to documents filed at the Mississippi Secretary of State's Office

, Educational Planning Group LLC was formed Feb. 3, 2011. Notice to dissolve was filed Sept. 16, 2015, and administrative dissolution was filed Dec. 8. The LLC was reinstated Dec. 14. On Dec. 16, an amendment was filed to make Annie Gipson a registered agent for the LLC. On Dec. 21, an amendment was filed to make William McElroy the registered agent.

Educational Planning Group LLC was first approved to do business in Louisiana on Jan. 6, 2016, according to information from the Louisiana Secretary of State's Office

. Sophie McElroy, 106 Graden Park Drive, Monroe, is listed as the registered agent on the Louisiana filing.

William McElroy's fees on MCSB projects including developing the new Martin Luther King Jr. Middle School, the Barkdull Faulk Elementary project and the Wossman High School field house are expected to yield more than \$1.5 million.

The memorandum also alleges a personal relationship between Shelling and McElroy or other affiliated with the Educational Planning Group.

According to the memorandum, McFarland violated Section (V)(B) of the consent decree

when he unilaterally appointed Shelling as the only liaison to work with the court monitor.

The document states:

"As a court appointed expert/special master, the court monitor should not be subject to undue influence by a single board member. Also, by appointing the board vice president as the liaison to the court monitor, MCSB has made the vice president the de facto superintendent. This liaison position was not authorized by the consent decree and improperly marginalizes the district superintendent, which will further impede and impair the implementation of the consent decree."

The memorandum seeks a evidentiary hearing to aid in assessment of the proposed intervention. NAFA, Jones and Hanks would attempt to demonstrate to the court that a plan devised by Monroe City Schools Superintendent Brent Vidrine to partner with the University of Louisiana at Monroe for the positions required by the consent decree would be the proper course for the school district.

The proposal to work with ULM was brought forth at the Jan. 7 meeting but declined by the board. Instead, Shelling made a motion to ask the contingent from ULM to act as co-collaborators on managing the medical magnet program with the Educational Planning Group. The motion was made was after the ULM group had left the meeting, and the the joint status report filed Jan. 21 encourages the board to work with ULM in that context. So far, ULM has not agreed to the proposal