

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-30231

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MARY L. HELMS, individually and as next friend of Amy T. Helms;  
AMY T. HELMS, a minor; MARIE L. SCHNEIDER,

Plaintiffs - Appellants - Cross Appellees - Appellees,

VERSUS

CECIL J. PICARD, Louisiana Superintendent of Public Education;  
KENNETH DUNCAN, Louisiana State Treasurer; LOUISIANA STATE BOARD OF  
ELEMENTARY AND SECONDARY EDUCATION; JEFFERSON PARISH SCHOOL BOARD  
SYSTEM; ELTON LAGASSE, Superintendent of the Jefferson Parish  
School System; LAURIE E. ROLLING, President and member of the  
Jefferson Parish School Board; LIBBY MORAN, Vice President and  
member of the Jefferson Parish School Board; ROBERT WOLFE, member  
of the Jefferson Parish School Board; BARRY BORDELON, member of the  
Jefferson Parish School Board; O.H. GUIDRY, member of the Jefferson  
Parish School Board; CEDRIC FLOYD, member of the Jefferson Parish  
School Board; POLLY THOMAS, member of the Jefferson Parish School  
Board; GENE KATSANIS, member of the Jefferson Parish School Board;  
MARTIN MARINO, member of the Jefferson Parish School Board,

Defendants - Appellees - Cross Appellants,

and

RICHARD W. RILEY, Secretary of the United States Department of  
Education; UNITED STATES DEPARTMENT OF EDUCATION,

Defendants - Appellees,

and

SPECIAL EDUCATION SERVICES CORPORATION,

Defendant - Appellant,

and

GUY MITCHELL; JAN MITCHELL; EUGENE CERISE; KATHY CERISE,

Intervenor Defendants - Appellees - Cross Appellants.

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

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September 27, 2000

Before DUHÉ, BENAVIDES, and STEWART, Circuit Judges.

JOHN M. DUHÉ, JR., Circuit Judge.

This case is before us on remand from the Supreme Court. Guy Mitchell, et al, v. Mary Helms, et al, 530 U.S. \_\_\_\_\_, 120 S.Ct. 2530 (2000). The Supreme Court reversed our judgment and held that 20 U.S.C. §§ 7301-7303, as applied in Jefferson Parish, is constitutional. By necessary inference, this also reversed our holding that the Louisiana counterpart of that statute, La. Rev.Stat.Ann. §§ 17: 351-352, was also unconstitutional as applied in Jefferson Parish. Although it vacated our judgment in its entirety, The High Court did not address the other issues decided by us. Helms v. Picard, 151 F.3d 347 (1998).

Accordingly:

We REINSTATE OUR JUDGMENT in favor of Defendants declaring the Louisiana special education program, La.Rev.Stat.Ann. § 17:1941-1956, constitutional as applied in Jefferson Parish.

We REINSTATE OUR JUDGMENT affirming the District Court's decision in favor of defendants that the transportation payments to the Jefferson Non-Public School Transportation Corporation, by virtue of La.Rev.Stat.Ann. § 17:158 are constitutional.

We RENDER JUDGMENT in favor of Defendants declaring that the Federal instructional materials program, 20 U.S.C. §§ 7301-7373,

and its Louisiana counterpart, La.Rev.Stat.Ann. §§ 17:351-52, are constitutional as applied in Jefferson Parish.

JUDGMENT RENDERED.