

**Joint Plan for the Achievement of Unitary Status in the Matter Styled  
*Sharpton, et al. v. School Board of Indian River County, FL, No. 1:64-cv-00721 (S.D. Fla.)***

**Presented by:**

Indian River County Branch of the National Association for the Advancement of Colored People  
and  
School Board of Indian River County, Florida

**Section I. Establishment of the Equity Committee**

The Equity Committee shall be governed by rules and procedures set forth herein.

***Purpose and Mission***

The School Board of Indian River County, Florida (“School Board”) and the Indian River County Branch of the National Association for the Advancement of Colored People (“Indian River NAACP”) will work collaboratively and cooperatively towards their shared goal of achieving a fully-desegregated school system under the matter styled *Sharpton, et al. v. School Board of Indian River County, FL, No. 1:64-cv-00721 (S.D. Fla.)*. In furtherance of this goal, the School Board will create an Equity Committee that reports directly to the School Board and shall be responsible for monitoring and documenting compliance with the [August 2018] desegregation order and for making recommendations to the Board. Based on its record of compliance with prior orders and the data and information exchanged, the School District of Indian River County (“School District”) has already achieved unitary status in the area of facilities, non-instructional staff and administrative staff, and the purpose of the Equity Committee is to maintain a high level of accountability to the School Board and citizenry in ensuring compliance with the remaining requirements of the [August 2018] order and facilitating the achievement of full unitary status. As discussed further in Section V, while the parties agree that the School District is entitled to a declaration of partial unitary status already in the area of facilities, non-instructional staff and administrative staff, other areas remain to achieve full unitary status. Therefore, the Equity Committee will monitor the School District for a period of three school years, which time period will begin at the Equity Committee’s first meeting (described further below). If, at the end of the three years, the School District has complied with the remaining requirements of this agreement, the parties agree that the School District will be entitled to a declaration of unitary status in all areas. If the School District has not maintained compliance in all remaining areas covered by this agreed order during the three-year period, the Indian River NAACP and the School Board will meet to discuss an additional period of monitoring and compliance in areas of such non-compliance, and the School District will be entitled to a declaration of partial unitary status in those areas in which it has maintained compliance. The Equity Committee will continue to monitor any remaining areas and other equity issues. Even if, at the end of the three year period, the parties agree that the School District is entitled to a declaration of unitary status in some or all remaining areas, the Equity Committee will continue to exist and monitor equity issues for at least two additional years (i.e., the Equity Committee will exist for a minimum of five years).

## ***Organization***

The Equity Committee will be composed of:

- A. Two members appointed by and currently employed by the School Board;
- B. Two members appointed by the Indian River NAACP;
- C. One member jointly selected by the two members appointed by the School Board and the two members appointed by the Indian River NAACP. The fifth member shall not be an employee of the School Board or a member of the Executive Committee of the Indian River NAACP. The fifth member shall serve as the Equity Committee Chairperson.

The first four members shall be selected by the School Board and the Indian River NAACP within 30 days of approval of this agreement by the Court. The fifth member shall be selected within 60 days of approval of this agreement by the Court.

The appointments of all five Equity Committee members shall be for renewable terms of one year. In the event a vacancy occurs in the Equity Committee, or in the event a member is absent for 2 consecutive Equity Committee meetings, the appointing entity shall select a replacement within 30 days.

All Equity Committee members shall serve in a voluntary capacity and shall be residents of Indian River County.

## ***Responsibility***

By the first Monday in November of each year, the Equity Committee shall present a public report to the School Board presenting the results of its monitoring and documentation of the School District's compliance with the [August 2018] order and providing recommendations to the Board regarding the status of the School District's progress, including whether unitary status has been achieved (in whole or in part) and additional actions that may facilitate achievement of unitary status. The committee has authority to recommend goals and benchmarks to the School Board for progress. All recommendations provided by the Equity Committee shall be made in an advisory capacity; at all times, ultimate authority remains with the School Board and the Equity Committee has no authority to direct the day-to-day operations of the School District.

The School Board may delegate to the Equity Committee the responsibility for preparing and submitting to the Court, by the second Monday in December of each year, a report regarding the status of the School District's progress in achieving full unitary status. Alternatively, the School Board may elect to retain the responsibility for preparing a report in collaboration with the Indian River NAACP for submission to the Court by the second Monday in December of each year regarding the status of the School District's progress in achieving full unitary status.

The School Board shall provide adequate support to the Equity Committee to execute and discharge its responsibilities, and shall ensure that the Equity Committee has timely access, in a manner and through channels to be determined in the School Board's discretion, to the

information and data (described further *infra* needed by the Equity Committee to perform its functions of monitoring and documenting the School District's compliance and progress toward unitary status. The School District's management shall cooperate with the Equity Committee in promoting its purpose, mission, and discharge of its responsibilities.

### ***Meetings***

The Equity Committee will meet on a quarterly basis. On an annual basis, the Equity Committee shall set its meeting schedule for the year, and shall set reasonable deadlines prior to each scheduled meeting by which the Equity Committee must receive the data and information to execute and discharge its responsibilities of monitoring and documenting compliance with the desegregation order.

The Equity Committee shall convene its first meeting within 90 days of approval of this agreement by the Court. To facilitate the orderly and effective commencement of the Equity Committee, the School Board and Superintendent shall make arrangements for appropriate District staff to attend the Equity Committee's first meeting and to assist with establishing an appropriate process by which the Equity Committee will request and receive data and information from the School District.

At least once a year, the Equity Committee shall convene a public meeting between a quorum of the members of the Board of Education and a quorum of the members of the Executive Committee of the Indian River NAACP for the purpose of holding a thorough review of the status of the School District's progress in achieving full unitary status.

In the case of special circumstances, the Equity Committee Chairperson may call special meetings as required with proper notice. Minutes shall be taken at each Equity Committee meeting, and all such meetings shall be audio recorded. All Equity Committee meetings shall be governed by the Sunshine Law as required by Florida law.

## **Section II. Mentoring of New Teachers and Instructional Staff**

The School District will continue its plan and practice of welcoming and providing a supportive professional environment for all its employees, including African American employees of the School District and its schools. The current new teacher mentoring program is discussed during the new teacher orientation conference, which new teachers attend. All teachers who are in years one through three of their teaching career in Indian River are automatically enrolled into the program. The program is coordinated by the district level Professional Development ("PD") Specialists. Additionally, each school will have a PD Council representative on site who offers new teachers support, and each new teacher will be provided a mentor who also works at his/her school.

The mentoring program will be tailored to meet the individual needs of each new teacher; it will be structured to assist new teachers with any area of their work. The mentoring for all new teachers, including African American teachers, will attempt to address their particular circumstances.

### **Section III: Strategies for Recruitment of African American Teachers**

The School District will utilize appropriate strategies in attempting to recruit and employ African American teachers and other instructional staff. As an aspirational goal only, the recruitment/hiring program will seek to reasonably approximate the Florida state-wide racial composition of teachers and other instructional staff at each grade level (i.e., elementary, middle, and high school). The parties recognize that the state-wide figures are used only as an aspirational goal and may not fairly reflect the pool of applicants reasonably available for employment in Indian River County. In an effort to achieve this objective, the School District will utilize appropriate strategies in attempting to recruit and employ African American teachers and other instructional staff, including, without limitation, the following strategies:

- A. Using existing staff to facilitate recruiting;
- B. Visiting colleges, universities, and career fairs to recruit and provide offer letters of intent to potential African American teachers and other instructional staff, with such recruiting to include at least annual visits to Historically Black Colleges and Universities (“HBCUs”) in Florida (namely, Bethune-Cookman University, Florida A&M University, and Florida Memorial University), as well as the Florida Fund for Minority Teachers’ annual meeting;
- C. Having the School District’s Human Resources Director endeavor to establish and develop relationships with the career placement offices and officials at the HBCUs;
- D. Continuing to recruit at HBCUs outside Florida;
- E. Identifying African American high school students in the District who would make great teachers, offering the students mentors while in school, and, if they are successful in graduating college with appropriate credentials, will attempt to contact these identified students for recruitment purposes. [See page 7: <https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf>]
- F. Having potential African American candidates for teaching and other instructional positions visit Indian River County if the candidate so desires;
- G. Working with the teachers’ union to facilitate the employment of African American teachers and other instructional staff;
- H. Utilizing current Indian River County hiring practices of application, structured interviewing by individuals in the School District office, and interviewing by individual school principals and/or members of the School Improvement Teams;
- I. Listing the Indian River NAACP as a community partner on the School District’s website;
- J. Publicizing the program for Mentoring of New Teachers and Instructional Staff, including by posting the program on the School District’s “jobs” webpage and bringing promotional materials to recruiting events;
- K. Ensuring that the School District advertises teaching job openings in the Diversity in Ed Magazine and on the Diversity in Ed website ([www.diversityrecruitmentpartners.com](http://www.diversityrecruitmentpartners.com));
- L. Require District principals to interview, whenever possible, a diverse pool of applicants.

The School Board shall require the retention of documentation that demonstrates which strategies for recruiting and employing African American teachers and instructional staff were utilized by the School District and the individual schools each year, and shall ensure that such documentation is made available to the Equity Committee through appropriate channels determined by the School Board. Data provided shall include the dates of recruitment activities, staff members involved, recruitment event attended, investments incurred for recruiting activity/trip, and outcomes. Data should include information regarding the race and specific teacher or instructional staff position for which candidates were interviewed, extended offers, and hired. Instructional staff and teaching positions shall have the same definitions as those assigned by the Florida Department of Education.

#### **Section IV: Representation of African American Teachers and Instructional Staff**

The School Board shall endeavor to maintain a reasonable representation of African American teachers and instructional staff at each school compared to the percentage of African American teachers and instructional staff at the school's corresponding level (*i.e.*, elementary, middle, high, alternative). The District shall endeavor to employ at least one African-American teacher at each elementary, middle, high school, and alternative school. If it is not possible to hire or encourage the transfer of at least one African American teacher at each elementary, middle, high school, and alternative school, the District and principals shall report on efforts to hire and/or encourage transfer to that school(s), and make such documentation available to the Equity Committee through appropriate channels determined by the School Board.

To allow the School Board to assess the reasonableness of the distribution of African American teachers and instructional staff, the Board shall:

- require the maintenance of information listing all teaching and instructional staff vacancy announcements for that school year, and shall require principals to maintain information regarding each teaching and instructional vacancy, including the race of each applicant, interviewee, person(s) selected to fill the vacancy, and person hired for the vacancy, and make such information available to the Equity Committee through appropriate channels;
- require the maintenance of information regarding the race and specific position of all teachers and instructional staff by school, and make such information available to the Equity Committee through appropriate channels; and
- require the maintenance of information regarding the turnover of African American teachers and instructional staff at each school and the reason(s) for the turnover, if known, and make such information available to the Equity Committee through appropriate channels.

#### **Section V: Partial Unitary Status and Continued Plan Supervision**

Based on its record of compliance with prior orders and the data and information exchanged, the Indian River NAACP and the School Board agree that the District has already achieved unitary status in the areas of facilities, non-instructional staff and administrative staff.

The parties will take all reasonable efforts to work with the Court to obtain an order of partial unitary status to that effect.

The School District will continue under this [August 2018] desegregation order while the plan developed by the parties for achieving full unitary status is implemented. This will maintain an avenue for dealing with problems should any occur in the process of implementation. This [August 2018] order will continue in effect until further Court Order. This case will remain open; the parties agree that there has not yet been a determination of full unitary status and the Court shall retain jurisdiction of this case.

#### **Section VI: African American Student Achievement/Resource Allocation**

The goal of the School District's African American Student Academic Achievement Plan shall be to eliminate the achievement gap as compared to white students, and the Plan shall identify barriers to the academic achievement of African American students; list the strategies, procedures, and/or programs that will be implemented to improve the academic achievement of African American students and address the identified barriers; and set measurable goals for the improvement of African American academic achievement. The School District's African American academic achievement plan shall also address any disparate discipline of African American students and the assignment of African American students to special programs, such as the exceptional student education ("ESE") and Alternative Education programs, including whether such assignments exceed state and district averages for other groups.

In 2016, the School District developed and implemented an African American Student Academic Achievement Plan. Prior to the start of each school year, the School Board will review the School District's African American Student Academic Achievement Plan, consider any recommended changes to the Plan, and approve the Plan. The School Board shall ensure that the School District maintains documentation regarding the implementation of the Plan, as well as information and data sufficient to evaluate the results/effectiveness in improving the academic achievement of African American students.

The Equity Committee shall be responsible for monitoring the School District's implementation of the Plan and the results/effectiveness of the plan in improving the academic achievement of African American students. The School Board shall ensure that information requested by the Equity Committee for accomplishment of its responsibility for monitoring the implementation and results/effectiveness of the Plan is timely made available to the Equity Committee through appropriate channels determined by the School Board in its discretion. The Equity Committee shall submit any recommendations to the School Board for modifying the Plan to eliminate strategies, procedures, and/or programs that have not been successful or to include new strategies, procedures, and/or programs likely to improve academic achievement of African American students. All recommendations provided by the Equity Committee shall be made in an advisory capacity; at all times, ultimate authority remains with the School Board and the Equity Committee has no authority to direct the day-to-day operations of the School District.

To evaluate progress, data should include student achievement data monitored in the 5 year Strategic Plan monitoring framework with demographic information for each student group. This would enable the parties to examine the residualized gain scores across the school year by

race, by grade, and within schools. Discipline data is also included in the 5 year Strategic Plan monitoring framework.

In light of the above-described process and division of responsibility for addressing the academic achievement of African American students, the previously existing African American Student Academic Achievement Plan Committee is superseded.

### **Section VII: Student Assignments**

Each year, the percentage of African American students assigned to individual schools should be consistent with the percentage of African American students represented in the School District. During the 2016-2017 school year, 17.2% of students in the School District were African American. The School District will allocate student populations at each school in proportion to the percentage distribution of African American students District-wide within a range of plus or minus nine (9) percentage points. The School District needs to keep this percentage point range wide enough to satisfy natural fluctuation and to eliminate additional extensive transportation of students.

The School District will continue the practice of curricular and programmatic choice in assigning students who may reside outside an attendance area of school on a space available basis. This will allow all students to take advantage of special programs.

The Equity Committee shall be responsible for monitoring student assignments at individual schools, including student assignments based on residence within an attendance area and student assignments based on curricular and programmatic choice. The School Board shall ensure that information requested by the Equity Committee which is reasonable related to its responsibility for monitoring student assignments is timely made available to the Equity Committee through appropriate channels determined by the School Board. Data provided shall include numbers of students in each school by race.

### **VIII: Transportation**

The School District will continue to operate under the requirements of the 1967 order (which requirements were not changed by the 1994 order) with respect to transportation, which mandates that (1) no student shall be segregated or discriminated against on account of race or color in any service, activity, or program, including transportation, and that (2) where transportation is generally provided, buses must be routed to the maximum extent feasible in light of the geographic distribution of students, so as to serve students assigned in accordance with the provisions of this plan. The Equity Committee shall be responsible for monitoring the School District's compliance with transportation requirements. The School Board shall ensure that information requested by the Equity Committee which is reasonably related to its responsibility for monitoring student assignments is timely made available to the Equity Committee through appropriate channels determined by the School Board. Data provided shall include numbers of students accessing bus transportation broken down by student groups.

## **IX: Extracurricular**

The School District will continue to operate under the requirements of the 1967 order (which requirements were not changed by the 1994 order) with respect to extracurricular activities, which mandates that no student shall be segregated or discriminated against on account of race or color in any service, activity or program, including athletics or other extracurricular activity, and all such programs conducted by the School District shall be conducted without regard to race or color. The Equity Committee shall be responsible for monitoring participation in extracurricular activities. The School Board shall ensure that information requested by the Equity Committee which is reasonably related to its responsibility for monitoring student participation is timely made available to the Equity Committee through appropriate channels determined by the School Board. Data provided shall include the number of participants in each activity by race.

## **X: Changes and Disputes**

The parties agree that changes to this plan may be made in writing and upon mutual agreement. The parties agree to continue to work together to provide for the changing student and adult populations of Indian River County. If either party feels there is a need to meet on any issue relating to this or any subsequent plan for desegregation, they shall notify the other and make arrangements through their appropriate officers to meet and discuss the issues prior to the need for Court action. If there is a dispute over any issues relating to desegregation, be it an issue covered in this plan or one not covered, every effort shall be made to handle those issues between the Parties without the necessity for Court action. Mediation shall be employed where meetings between the parties are unsuccessful. The parties to this case wish to develop a strong relationship of cooperation through negotiation and settlement of their disputes by agreement. It is the intent of this plan to build that relationship through a commitment to meetings and negotiation rather than litigation.

Dated: August \_\_\_\_, 2018

Dated: August \_\_\_\_, 2018

**INDIAN RIVER COUNTY BRANCH  
OF THE NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT  
OF COLORED PEOPLE**

**SCHOOL BOARD OF INDIAN RIVER  
COUNTY, FLORIDA**

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