

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LITTLE ROCK SCHOOL DISTRICT, *et al.*

PLAINTIFFS

No. 4:82-cv-866-DPM

PULASKI COUNTY SPECIAL SCHOOL
DISTRICT, JACKSONVILLE/NORTH
PULASKI SCHOOL DISTRICT, *et al.*

DEFENDANTS


EMILY McCLENDON, TAMARA EACKLES,
VALERIE STALLINGS, TIFFANY ELLIS,
and LINDA MORGAN

INTERVENORS

ORDER

The Court is attaching Ms. Powell's seventh summary report, which covers monitoring matters at PCSSD. *No 5502 at 2-3*. The Court appreciates her work.

So Ordered.



D.P. Marshall Jr.
United States District Judge

10 January 2020

UPDATE ON THE STATUS OF THE PULASKI COUNTY SPECIAL SCHOOL DISTRICT'S IMPLEMENTATION OF PLAN 2000 - MONITORING

On July 18, 2019, Chief U. S. District Judge D. Price Marshall, Jr., directed the Court Expert to issue written status reports on the remaining areas of the Pulaski County Special School District's (PCSSD) desegregation plan (Plan 2000) that still remain under Court supervision. (Doc 5502). This report is number seven of eight.

MONITORING (Plan 2000-Section N)

Note: Although the Joshua Intervenors have been renamed the McClendon Intervenors, for clarity, this report uses the original names and titles found in Plan 2000.

PLAN PROVISION

The Assistant Superintendent for Desegregation shall: (i) develop a plan so that he (or she) and his (or her) staff focus their monitoring and compliance efforts on the specific elements of the Plan; and (ii) provide the Joshua Intervenors within 30 days of the court's approval of this Plan a list, geared to the sections of this Plan, identifying the staff member or members with particular responsibilities for its implementation and the position held by each. N(1), pg.7

BACKGROUND

On October 29, 2007, the PCSSD petitioned the court for full unitary status. The petition was heard from March 1 through March 18, 2010. On May 19, 2011, the court granted PCSSD unitary status in several areas: student assignment, interdistrict schools, multicultural education, and school resources. The district has since been declared unitary with respect to advanced placement and the gifted and talented honors programs, scholarships, special education, and staff.

The district was found partially unitary in Monitoring. The court's findings under Section N, subsection (1), read in part; "...it is clear that Pulaski County has not complied in good faith with the requirements of subsection one. This is the case because it failed to timely submit the required documents to Joshua; it took more than two years to adopt a monitoring plan, and the monitoring plan it finally submitted was rejected outright by the ODM as woefully inadequate."

Findings

- According to the Assistant Superintendent for Equity and Pupil Services, the PCSSD presents its annual monitoring report to the school board each August and sends a written copy of the Board report to Joshua.
- ODM's status reports on the PCSSD's compliance with Plan 2000 indicated that it wasn't until 2008 that the district "produced a monitoring report that tied observations and findings to the provisions of Plan 2000." The ODM report also noted the document was "a significant improvement over the previous monitoring reports submitted after Plan 2000 was approved."
- An examination of the district's monitoring reports for the past three years reveal that little has changed with respect to the format. Most of the entries show what the

- monitoring has revealed in each area, but show little detail with respect to corrective actions or interventions where problems were found.
- The PCSSD has a new monitoring tool that should greatly improve its monitoring processes and possibly eliminate most, if not all, of the shortcomings found in past monitoring reports.
 - The Coordinator of Equity Initiatives points out that the new reporting process focuses on the multicultural aspects of each area of Plan 2000. The new monitoring tool: “Educational Equity School Monitoring” combines several sections of Plan 2000, resulting in the following: Elementary Equity Report; Secondary Equity Report; and School Profile Report.
 - The response and observation forms are detailed and verifiable. As a result, district officials and school personnel can examine each element of the educational process in a school to determine where there are problems and then make a plan to address the area(s) in question.
 - The site-based equity monitoring team in each school collects information based on: classroom observations, school data (test scores, diverse staff, documentation that black students are recruited for Advanced Placement, programs developed and implemented to decrease achievement differences between black and non-black students), and many other Plan related actions.
 - Should a school’s report show deficiencies in any area(s), the school is placed on Alert Status. The school’s administration must develop a “clear, concise well-written Action Plan for specific improvement.”
 - A year 1 Alert Status goes to the school principal and requires a meeting with the school equity committee. The district’s equity committee will provide assistance and give directions to help school personnel to correct the problem(s) identified in the monitoring report.
 - A year 2 Alert Status would require that the school administrators send all pertinent information relating to the identified problem area(s) to the District Equity Committee for review and assistance.
 - A year 3 Alert would require the Coordinator of Equity Initiatives to provide specific training for the building’s equity committee and the school staff. Later in the school year, all of the parties participate in a walk-through of the facility noting the effects of the interventions implemented after the training.

PLAN PROVISION

Upon Reasonable notice, the Joshua Intervenors shall have the opportunity: (i) to examine and secure copies of records relating to the PCSSD’s compliance with this Plan, including records identified in the Plan, and (ii) to meet with the Assistant Superintendent for Desegregation or a staff member responsible for a particular part of the implementation of the Plan. N(2), Pg 7

Note: In his May 19, 2011 ruling, Judge Miller wrote: “PCSSD has acted in good faith to substantially comply with this subsection. However, PCSSD is not relieved of its duty to continue implementing this provision in good faith until it is declared entirely unitary and excused from supervision.”

Findings

- There is no evidence that the PCSSD has not complied with this subsection of Plan 2000.

PLAN PROVISION

The PCSSD shall submit statistical reports showing the following:

- (a) The enrollment in each school by race;
- (b) The enrollment in gifted and talented programs, honors programs, and advanced placement classes, by school and race;
- (c) The make-up of special education programs;(i) by disability category, including Section 504, by race, and by sex; and (ii) by school, by race, and by sex; provided that the system may comply with this reporting requirement by providing copies of materials submitted to ADE, as long as they include all information designated in this paragraph;
- (d) For each school system, the number of instances of each form of discipline, by race and by sex; or each school and the system, the number of students receiving each form of discipline, by race and by sex.;
- (e) The racial make-up, in each school, of (i) the administrators, (ii) the faculty, (iii) other professional staff, and (iv) support staff;
- (f) The racial make-up, by category, of the various categories of administrators, faculty, support staff, and other workers employed in the PCSSD.

The information in all sub-paragraphs other than sub-paragraph (d) shall be submitted not later than November 1 of each year, and the information in sub-paragraph (d) twice a year, not later than 30 days after the end of each semester.

Note: In his May 19, 2011 ruling, Judge Miller wrote: "The evidence thus indicates that Pulaski County is unitary with respect to subsection three. This does not, however, relieve Pulaski County of its duty to continue implementing this provision in good faith until it is declared entirely unitary and excused from court supervision."

Findings

- The PCSSD continues to submit the statistical reports required under Plan 2000. All of them are required by the Arkansas Department of Education (ADE).

COMMENTS

As a former monitor for the Office of Desegregation Monitoring (ODM), I can understand how difficult "monitoring" can be. When the ODM first got started, our team noted that there were no real definitions of what "monitoring" meant. We had to visit other states to get an idea of how other monitors were reporting their information. We found there were no two monitoring teams alike and that the Pulaski County's school desegregation case was the only one of its kind. There are no desegregation monitoring manuals to work from. All of the parties to the Pulaski County school desegregation case (LRSD, NLRD, and PCSSD) modeled their reports based on the reporting guidelines of the ADE. Unfortunately, those kinds of reports fell short on the kinds of details needed to evaluate compliance with the areas in Plan 2000 that were (and still are) under court supervision

The Office of Desegregation's (ODM) monitoring report on the PCSSD's compliance with Plan 2000, filed on June 3, 2014, noted the following: "The PCSSD continues to monitor the areas in Plan 2000 still under Court supervision." The report also states: "Except for data updates, the report remains virtually unchanged from year to year." Since that report, the district's reports have been fleshed out somewhat, but still are not very detailed.

Plan 2000 is twenty years old, and information gathering and methods used to interpret data has changed considerably. Schools have tools and ways of gathering and processing information that were not available when the Plan was written. Virtually every element of the educational process has an online component. Fortunately, the PCSSD has progressed into the new era of information gathering and data processing, and has a new monitoring tool; Educational Equity School Monitoring. This new computer program has promises of being a real game changer. The new monitoring reports have more detailed information reflecting the school's entire educational process and, the report has an equity focus in each area examined. School personnel no longer have to wait until the end of the school year to modify or eliminate programs, practices, or interventions that are not working. In the PCSSD, if an updated monitoring report is needed today, it's available today.