

STUDENT ASSIGNMENT BETWEEN SCHOOLS

The Court found that RSD intentionally segregated students between schools by race and resisted change that would have alleviated the patterns of racial isolation. The limited changes that were made placed disparate burdens on African American and Hispanic students.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
|--|---|---|---|
| <ul style="list-style-type: none"> RSD gerrymandered school attendance area boundaries in order to create and maintain a racially segregated school system. RSD maintained an alleged neighborhood schools policy which the court found was, in fact, a policy of maintaining neighborhood white schools. RSD offered high status alternative programs to white students as an incentive to voluntarily attend predominately minority schools but burdened minority students with mandatory one-way busing. This was the primary desegregation method of the RSD. RSD used school construction to further segregate students by race; when new schools were built, boundaries were gerrymandered to continue to isolate minority students; located new schools in ways to promote and retain segregation. RSD manipulated student reassignment from closed schools in ways which retained the racial identifiability of schools and maintained segregation. RSD ignored warnings from its own staff that certain actions constituted <i>de jure</i> segregation. RSD abandoned successful, voluntary desegregation programs, such as the Bloom Focus Center, by withdrawing transportation for minority students and/or simply terminating the programs. | <ul style="list-style-type: none"> Minority students continued to bear a disproportionate transportation burden due to the lack of elementary, middle and high school seats in the Southwest quadrant. West remained a middle school; there was no comprehensive high school West of the Rock River since Auburn also housed the Gifted Academy and CAPA programs. Little desegregative progress was demonstrated through voluntary measures such as magnet schools and voluntary transfers. | <ul style="list-style-type: none"> Controlled Choice ordered for elementary school student assignment; RSD voluntarily elected to implement Choice at the secondary level. Capital Improvements Ordered: <ul style="list-style-type: none"> New Barbour and Ellis facilities as K-8 grade magnet schools. New Westside middle school and re-open Kennedy Middle School. Easing of Southwest capacity problems through the addition of elementary and middle school seats: <ul style="list-style-type: none"> Washington and RSTA extended to K-8 magnet schools. Grade reconfiguration for elementary and middle schools by shifting 6th grade to middle school. Racial fairness student assignment guideline of +/- 15% of the districtwide percentage of minority students; 25% minimum minority enrollment in secondary schools. Establish a comprehensive SWQ high school - either move CAPA and Gifted from Auburn to another school and renovate Auburn, or renovate and reopen West as a high school. | <ul style="list-style-type: none"> Controlled Choice student assignment was implemented for entry level grades (Kindergarten, 7th and 9th) with the 1997-98 school year. Overall, 95% of students received their first, second or third school choice: <ul style="list-style-type: none"> Of 5,048 early applications, 100% of 9th grade students and 92% of seventh grade students received their first school choice; 86% of kindergarten students received their first or second choice school. More schools are desegregated in the 1997-98 year than in prior year. No elementary school was re-segregated as a result of Choice and most are closer to compliance with the racial fairness guidelines than in the prior year. All secondary schools continue to be desegregated. Since the 1990-91 school year, the number of integrated elementary schools increased from 15 to 28 and the number of segregated schools decreased from 21 to 11. Despite the fact that the SWQ still lacks a comprehensive high school, RSD refused to reopen West as a high school. Because Controlled Choice is being phased in at entry grades, minority students continue to bear a disproportionate busing burden; until new school construction is completed and the 6th grade reconfiguration is completed, the SWQ will lack sufficient capacity. |



SD-IL-0001-0007

SEGREGATION WITHIN SCHOOLS

The RSD intentionally used student assignment and educational programming to separate students by race within a school. High status, voluntary alternative programs for white students were placed in predominately minority schools creating separate "schools within schools."

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • When ordered to desegregate in the 1970's, RSD intentionally used methods which segregated students within schools and produced only "numerical" desegregation: - Classrooms of white students, with their teacher, were bused to African-American schools and vice versa but remained separate and "intact", with no interaction with students of the opposite race in the receiving schools. Part-time programs used the same scheme but placed students in the school for as little as one week while counting them in integration data for the entire year. • In the 1980's, RSD refined within school segregation by placing partial site, high status white alternative programs (Gifted, CAPA, Montessori) in minority schools but kept minority and majority students physically separated including entrance doors, lunch, playground recess periods, and even bathrooms. • RSD obstructed successful voluntary integration by terminating programs and withdrawing transportation services. • RSD segregated Hispanic students by placing bilingual classes in white schools but allowing little or no interaction among the students; Hispanic students were "held" on their bus until classes began and required to go directly to their room to prevent interaction with white neighborhood children on the playground. • RSD segregated students through intentionally discriminatory tracking and ability grouping. | <ul style="list-style-type: none"> • The pattern of within school segregation persisted up through and including the CRO hearings in the 1995-96 school year, establishing an "unbroken chain of within school segregatory conditions." • Class sections of the <u>same course</u> continued to be racially identifiable at the time of the CRO hearings. At Auburn, for example, two sections of English were 75% and 100% African American, while a third section of the same course had no minorities. • Alternative programs (Gifted, Montessori, CAPA) continued to have a disappointing level of minority student participation, particularly the Auburn Gifted Academy where African American and Hispanic participation decreased in the 1994-95 school year. • Compliance with within school integration standards typically decreased from the first to the second semester in secondary schools. At West Middle School in the 1994-95 year, even the racial composition of teams varied between semesters: the second semester 7th grade variance increased from 30.4% minority to 46.7% minority while the 8th grade variance for the same period went from 28.3% to 46.4%. • Although at the elementary level, only 1.4% of classrooms were racially identifiable, there were disturbing patterns of disproportionality in placing minority students in certain class sections (at Rolling Green, 4th grade, one of three classes had 10 minority students while the other two had only 5 minority students. | <p>The CRO required:</p> <ul style="list-style-type: none"> - Regular and honors core classes, and classes in alternative and compensatory education programs, must be within +/- 5%* of the compliance pool (the percentage of minority students at each grade level in each building). * The 7th Circuit remanded the within school integration compliance standard after finding the +/- 5% range "too tight." The standard was adjusted to +/- 12% following remand hearings before Judge Mahoney on tracking and ability grouping, and within school integration. • RSD may not separate students by race within classrooms via instructional methods. • Elective classes are excepted from the +/- 12% compliance standard but RSD is enjoined from steering minority students to low-level or segregated classes and ordered to provide fair and non-biased guidance counseling to all students. • Gifted and CAPA must have an overall student enrollment within +/- 15% of the districtwide minority ratio for each grade configuration and a "floor percentage" not less than the percentage of minority students districtwide and not exceed that percentage by 15 points at each entry grade level. | <ul style="list-style-type: none"> • Under the Interim Orders and CRO, minority enrollment in alternative programs has steadily increased: - Minority student enrollment in the elementary Gifted program is 31.9% for the 1997-98 school year and the elementary Gifted program is "stand alone" at King School. - Minority enrollment at the middle school Gifted Program at West is 29.2% while the Auburn Academy continues to show disappointing minority student participation at only 16.6%. - Minority student enrollment in the CAPA program has steadily increased and is 24.7% for the 1997-98 school year. • Montessori minority enrollment is 37.3% for the 1997-98 school year. • Minority participation in honors classes and advanced elective courses (especially math and science courses) continues to be disappointing, despite the District's open enrollment policy. • Minority parents, and some teachers, still report biased counseling of minority students in course selections, including denial of admission to higher level math and science classes. |

TRACKING AND ABILITY GROUPING

The Court found that tracking and ability grouping was "the most egregious and blatant form of intentional discrimination against minority schoolchildren." RSD's tracking and ability grouping practices "did not represent a trustworthy enactment of any academically acceptable theory or practice." RSD intentionally used tracking and ability grouping to segregate white students from minority students.

Specific Violations Found

- RSD used tracking and ability grouping to intentionally skew classroom and course enrollment to the educational advantage of white students and to the educational disadvantage of African American and Hispanic students:
- African American and Hispanic students were disproportionately enrolled in slow track, low ability classes while White students were disproportionately assigned to high ability, college prep tracks and programs.
- The disproportionate placement of minority students into lower track classes was not justified by either the capabilities or achievements of the students, or socio-economic factors:
- The trial record was "replete" with situations where white students who scored below the national mean were still placed in honors classes while minority students who scored in the 99th percentile were placed in low achievement basic track classes.
- Minority students whose achievement scores qualified them for two or more tracks were far more likely to be placed in the lower track than in the higher track for which they qualified.
- High level RSD administrators had repeated notice of the discriminatory effects of the tracking system, but refused to take steps to eliminate the system because it would "upset the teaching staff" and "the community would not buy into elimination of tracking."

Vestiges/Effects

- The court found that up through 1989, vestiges and effects of discriminatory tracking and ability grouping included:
 - Inferior educational services to African American and Hispanic students
 - Unwarranted racial disparities in course placement/participation
 - Lesser educational opportunities or inputs for African American and Hispanic students (especially in the fields of math and science)
 - Racial isolation of students and the perpetuation of racial stereotypes
- Although RSD claimed to have eliminated basic classes by September 1994, the District's own consultants found that "there continues to be at least two, and probably more, parallel curriculum structures in place [which] look, smell, and taste like tracking" and continue to have a segregative effect.
- During the CRO hearings, the Master concluded that while RSD had made some progress relative to tracking and ability grouping, "it is clear that patterns of continued tracking and grouping exist in a manner which reflects the vestiges of segregation and violates the [1991] Second Interim Order.

Remedial Provisions Ordered

- The Court ordered RSD to eliminate "remedial" tracks and ability groups at all grade levels but permitted honors, and gifted classes to continue as long as they are integrated. The 7th Circuit reversed the CRO's elimination of tracking and ability grouping but held that RSD may only engage in tracking/ability grouping if it is done in accordance with valid, objective, nonracist criteria and not for the purpose of segregating students by race.
- The CRO has continued the full range of compensatory educational programs, such as the Success for All and Reading Recovery reading programs, and the H.O.T.S. critical thinking program, and the supplemental educational programs such as secondary tutorial, 9th grade transition, Saturday Academy and Summer School programs.
- The CRO required that all elementary classes and secondary core courses must reflect a minority enrollment within +/- 5% of the minority student enrollment for each grade level in the school. The 7th Circuit remanded the +/- 5% classroom integration standard for nontracked core classes.
- On May 7, 1998, following remand hearings and by stipulation of the parties, the Court modified the CRO to adopt a within school integration standard of +/- 12%.

Status

- At the secondary level, RSD continues to have two different "regular" core courses for the same subject area (algebra, chemistry) which suggests one of the courses contains "diluted" content and is the equivalent of the allegedly discontinued basic track courses:
- Enrollment in honors classes escalated after the basic track was eliminated which may suggest that the "regular" core courses are simply a new designation for the former diluted content basic track courses.
- Several Board members have openly advocated instituting low, middle and high ability groups, without specifying any placement criteria for making such decisions.
- The District's high schools have regressed in the percentage of core class sections which are in compliance with within-school integration standards (even using a +/- 15% standard):

Overall District Compliance:

| | |
|------|-------|
| 1993 | 86.3% |
| 1994 | 88.0% |
| 1995 | 90.5% |
| 1996 | 88.3% |
| 1997 | 75.7% |

1997-98 Compliance by High School:

| | |
|-----------|-------|
| Auburn | 88.6% |
| East | 72.4% |
| Guilford | 55.6% |
| Jefferson | 86.9% |

(See attached) 1998-99
 Auburn 69.3%
 East 60%
 Guilford 33.1%
 Jefferson 69.3%

PERCENTAGE OF COMPLIANT CLASS SECTIONS
9/30/93 TO 9/30/98

HIGH SCHOOL
CORE COURSES

*Applicable to
Tracking + Ability Grouping
within School Integration*

Auburn High School

| | 93 | 94 | 95 | 96 | 97 | 98 |
|----------------|-------------|-------------|-------------|-----------|-------------|-------------|
| English | 89.9 | 100 | 100 | 98 | 86.4 | 74.4 |
| Social Studies | 84.2 | 84.2 | 100 | 94.4 | 100 | 57.9 |
| Mathematics | 91.7 | 80 | 90 | 91.2 | 90.6 | 58.6 |
| Science | 70.6 | 100 | 100 | 89.7 | 82.1 | 75 |
| GIFTED | 93.8 | 87.9 | 90.6 | 96.4 | 88.9 | 76.9 |
| TOTAL | 87.9 | 91.5 | 96.3 | 94 | 88.6 | 69.3 |

East High School

| | 93 | 94 | 95 | 96 | 97 | 98 |
|----------------|-------------|-------------|-------------|-------------|-------------|-----------|
| English | 93.8 | 97.1 | 98.5 | 100 | 82.7 | 75 |
| Social Studies | 100 | 100 | 100 | 100 | 62.5 | 52 |
| Mathematics | 84.2 | 76.1 | 100 | 90.2 | 63.2 | 41.7 |
| Science | 89.3 | 92.7 | 100 | 92.1 | 73.7 | 62.2 |
| TOTAL | 91.8 | 91.3 | 99.4 | 95.7 | 72.4 | 60 |

Guilford High School

| | 93 | 94 | 95 | 96 | 97 | 98 |
|----------------|-----------|-------------|-------------|-------------|-------------|-------------|
| English | 83.6 | 81.4 | 79.6 | 83.6 | 52.7 | 33.3 |
| Social Studies | 96 | 91.7 | 95.5 | 68 | 76 | 54.5 |
| Mathematics | 76.5 | 88.1 | 81.3 | 93.5 | 41.4 | 19.4 |
| Science | 67.9 | 87.5 | 70.6 | 62.9 | 57.6 | 31.3 |
| TOTAL | 81 | 86.1 | 80.3 | 78.1 | 55.6 | 33.1 |

Jefferson High School

| | 93 | 94 | 95 | 96 | 97 | 98 |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|
| English | 81.4 | 87.5 | 86.3 | 80 | 91.5 | 59.2 |
| Social Studies | 82.8 | 72 | 78.9 | 94.1 | 95.2 | 80 |
| Mathematics | 90 | 70.3 | 75.8 | 82.4 | 78.4 | 72.5 |
| Science | 84 | 93.9 | 85.7 | 83.3 | 84 | 75 |
| TOTAL | 83.9 | 81.8 | 82.6 | 83.2 | 86.9 | 69.3 |

BILINGUAL EDUCATION AND OTHER HISPANIC ISSUES

The RSD engaged in discriminatory conduct against Hispanic students with regard to the District's Bilingual Education Program, and with regard to other educational issues affecting Hispanic students.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions</u> | <u>Status</u> |
|--|---|--|--|
| <ul style="list-style-type: none"> • For an extensive period, RSD used the Bilingual Program as a desegregation device which placed greater educational and transportation burdens on Hispanic students than on white students: - The elementary Bilingual Program was displaced an average of once every three years beginning in 1977-78 and continuing through 1989-90. The constant relocations had negative educational effects on the bilingual students involved. • The RSD provided transportation to bilingual desegregation students that was qualitatively inferior to the transportation provided to voluntary white desegregation students (free District-provided transportation services for white students vs. mass transit only for Hispanic students). • The RSD failed to adequately identify and assess students who were in need of bilingual services. • The RSD failed to assess and serve appropriately non- and limited-English-speaking students who required special education services. • The educational services received by Bilingual Program students were not equal to those received by students in the regular instructional program. | <ul style="list-style-type: none"> • Deficiencies in the Bilingual Program continued at the time of the CRO hearings: - Bilingual secondary classes offered a very basic curriculum; RSD continued to ignore parent/students' complaints that there were no advanced math and science classes. Bilingual teachers were often required to teach a wide variety of classes, some outside of their professional preparation areas. - In response to the increasing number of students in the Bilingual Program, RSD moved students out of the program and into the regular curriculum even if they were not proficient in English. The District had in place no specific and dependable "exit" or transition measures. - Education of special needs students who are non- and limited-English-speaking remained inferior to the special education RSD provided for English language students. • Throughout the entire RSD system, vestiges and effects of the District's adjudicated discrimination with regard to Hispanic students continued: - Hispanics in Rockford continued to have the highest drop-out rate of all racial and ethnic groups. | <ul style="list-style-type: none"> • RSD must ensure that the effects of the educational inequities with regard to Hispanic students, including bilingual students, are eliminated to the extent practicable, including: - Eliminating mandatory assignment of Hispanic students; locating bilingual programs in appropriate places within the Hispanic community; cease relocating Spanish language bilingual programs as a desegregation device to put individual schools in compliance with racial fairness guidelines. - The Bilingual Program must provide alternatives to full day bilingual classes as an option for eligible children. - Transportation services provided to bilingual students must be of the same quality as transportation for other RSD students. • Replace the Bilingual Advisory Committee with the Hispanic Education Committee. • Include multicultural awareness and staff development as part of the BEP. • Develop and implement a comprehensive plan for special education services for non and limited English speaking national origin minority students. | <ul style="list-style-type: none"> • The District continues to have significant problems recruiting and retaining bilingual teachers, particularly those fluent in Spanish. Each year of CRO implementation has seen positions budgeted by the CRO for bilingual programs remain unfilled. • Secondary Spanish language course offerings are still limited and curriculum development has been inadequate. • Barbour Elementary School, which will house the two-way language immersion program in Spanish/English, is still under construction. When completed, Barbour will significantly increase the number of seats in the SW quadrant where the largest number of Hispanic students reside. • Curriculum development and recruitment for special education support staff/services for Hispanic bilingual students remains grossly inadequate. • RSD reorganized the BEP staff structure to include a General Director who was hired in mid-September of 1998; specific personnel have also been hired to improve transportation services provided to Hispanic students and their families. • The Hispanic drop-out rate, remains the highest of any racial or ethnic group in the Rockford Public Schools. |

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BILINGUAL EDUCATION AND OTHER HISPANIC ISSUES CONTINUED

Violations Continued

- The RSD failed to provide sufficient space for the Bilingual Program, resulting in overcrowding of bilingual students and holding of bilingual classes in inappropriate areas:
 - At one site two bilingual classes were once held in the same room.
 - At the same school, the bilingual classes were later moved to the gymnasium. The bilingual students were put "on stage while gym classes were going on". Students had to wait in the aisles for the gym to empty in order to return to class. Sometimes the class was held in the hallway.
- Bilingual students were steered toward easier and less beneficial classes by English-only speaking counselors.
- The RSD segregated bilingual students within receiving schools:
 - RSD terminated a bilingual program in which the curriculum design allowed students to attend classes with mainstream students for part of the day and attend "pull out" bilingual classes the rest of the day.
 - Instead, RSD instituted a full-time, "contained" program where the children stayed with their bilingual teacher for the full day; the only opportunity for bilingual students to interact with mainstream students was lunch and recess.

Violations Continued

- More than 50% of Hispanic students who enter Rockford high schools do not graduate.
- Across the board in bilingual and non-bilingual schools, Hispanic high school students do not receive appropriate counseling for careers or for further schooling.

EDUCATIONAL DISCRIMINATION WITHIN CLASSROOMS AND SCHOOLS

In addition to tracking and student assignment, the Court recognized that RSD treated minority students differently than white students within classrooms and schools. RSD afforded a quality of instruction to minority students that was different, inappropriate and inferior to that afforded to white students.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
|--|--|--|--|
| <ul style="list-style-type: none"> • Faculty often acted upon stereotypical views of minority children as less capable than white students: - Teacher-initiated discriminatory tracking practices at the elementary level included dividing students within classrooms into slow, middle and fast learners, and providing different instruction to each group. Minority students were typically overrepresented in the slow groups. This resulted in the provision of lesser educational opportunities and services to African-American and Hispanic students. • African-American and Hispanic students received inferior educational opportunities in terms of curriculum and services: - The disproportionate number of African - American and Hispanic students in lower-track classes received inferior educational services. - Discrimination in tracking resulted in the preclusion of African-American and Hispanic students from entire math and science curricula. - The RSD's Bilingual Program was plagued by serious educational deficiencies, and the educational services received by Bilingual Program students were inferior to those received by students in the regular instructional program. | <ul style="list-style-type: none"> • Differences in curriculum for white and black students were identified in 1990 and continued through the CRO hearings: - "[T]he curricular and instruction revision/revitalization has only been initiated and has not yet addressed all the areas where inequities exist." - "Curriculum and instructional changes, such as staff development and curriculum changes in mathematics, English, science, and social studies, continue to be needed in the secondary schools." • There continue to be teachers who have lower expectations for minority students and fail to hold them to high standards of performance: - "Much of the resistance that consultants experienced during the delivery of proven instructional approaches is based on well entrenched attitudes and beliefs that staff have and their unwillingness to try to work seriously with all students." • The RSD's discriminatory educational practices resulted in worse educational outcomes for African-American and Hispanic students. | <ul style="list-style-type: none"> • Supplemental and compensatory educational programs and services at all grade levels: - Intensive supplementary and compensatory programs at the elementary level in reading and math (Success for All, Reading Recovery, Higher Order Thinking Skills). - Achievement/enrichment programs and tutorial support at the secondary level. - Mentoring and peer tutoring at all grade levels. - Saturday Academy program for secondary students consisting of academic and study skills improvement. • Staff development and human relations programs geared toward encouraging multicultural teaching methods and reshaping attitudes and perceptions regarding minority students. • Implementation of learning centers/labs and before and after school programs, such as homework clubs, study skills, test taking. • Abolition of tracking, including segregating students within classrooms and offering "watered down" instruction. • All high school students are required to complete math through geometry and science through chemistry. | <ul style="list-style-type: none"> • The proven success of the supplemental and compensatory educational programs has not been replicated in RSD. School districts that are not under desegregation orders tend to exhibit stronger student achievement gains with, for example, Success For All and Reading Recovery. • Supplemental and compensatory programs suffer a high staff turnover rate, due in large part to recent faculty and staff layoffs, and collective bargaining provisions which place seniority over specialized training in layoff priority. • Despite the voluminous evidence of pervasive educational discrimination, RSD successfully appealed the CRO provision which required the District to close a portion of the achievement gap between minority and majority students. • Although the 7th Circuit reversed only the "gap closing" provision, RSD has repeatedly attempted to eliminate funding for supplemental and compensatory educational programs (Success For All, Reading Recovery, E.L.L.I., etc.). • A primary objective of RSD's Strategic Plan is to eliminate the disparity in standardized achievement test performance among all identified ethnic/racial groups. |

COUNSELING AND ADVISING

Minority students in RSD received qualitatively different counseling. The Court found that RSD counselors discriminatorily steered white students into higher level classes and African-American and Hispanic students into lower level classes.

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| <ul style="list-style-type: none"> • Counselors urged minority students to enroll in basic classes and discouraged them from participating in honors classes. • Vocational instructors discouraged minority student interest in academic classes and college, and told minority students that their blue collar parents would be unable to send them to college. • Counselors steered bilingual students toward easier classes; the girls were put into home economics and child development and the boys into technology. • RSD counselors resisted efforts to move students from one track to another. • RSD counselors were insensitive to the educational needs and development of minority students. | <ul style="list-style-type: none"> • There were/are continuing disparities in counseling and course placement practices in the RSD: - Minority students in Rockford schools continue to be significantly over-represented within many non-college preparatory and special education classes, while at the same time they are significantly under-represented in honors, advanced and college preparatory classes. • The direct effect of discrimination in counseling has been the provision of lesser educational opportunities to African-American and Hispanic students. This effect has been compounded by the rigidity of placement under the tracking system. | <ul style="list-style-type: none"> • RSD ordered to provide fair and non-biased guidance counseling to all students. • RSD is enjoined from steering minority students to either low-level or segregated classes. • RSD ordered to implement Human Relations and Staff Development programs to change racially biased perceptions and stereotypes regarding minority student's academic and career potential. | <ul style="list-style-type: none"> • Minority parents and students continue to express the concern that they encounter obstacles to enrollment in honors core classes and advanced elective classes, despite RSD's open enrollment policy for honors classes. • Although the 1991 Second Interim Order required RSD to conduct a study of its counseling program, and provided funding, the study was not completed until October, 1997 and failed to address key issues related to discrimination against minority students, such as: <ul style="list-style-type: none"> - what counseling services are provided to non-English speaking students; are minority students still steered to lower level classes; do college recruitment services in RSD differ for minority students? • A disturbing number of minority students whose grades and/or test scores qualify them for honors classes are "advised" to enroll in regular and extended time classes (such as Chem Com and the two year algebra course). • Minority students continue to be overrepresented in lower level elective classes and underrepresented in advanced elective classes (e.g. keyboarding v. computer programming). • Although the Court provided \$30,000 for a comprehensive counselor training program in the 1997-98 school year, no training program was conducted. |

TRANSPORTATION

Through intentional discrimination, the RSD's transportation practices discouraged and diminished voluntary integration and created disparate integration burdens. The RSD's longstanding practice of requiring the mandatory assignment and transportation of minority students to schools outside their neighborhoods for desegregation purposes, while imposing no similar burdens on white students, was unfair, impermissible and unconstitutional.

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| <ul style="list-style-type: none"> • Within RSD's discriminatory system of integration, transportation policies and practices were both discriminatory and contradictory: - The RSD provided transportation to majority open enrollment students on a more generous basis than that provided to minority open enrollment students, despite the fact that the open enrollment and focus center methods offered the only significant opportunity for voluntary minority student transfers. - Mandatorily reassigned secondary minority students received no Board-paid transportation, while the RSD provided transportation for voluntary integration students (predominantly white). • The dual transportation policies for minority integration students and majority integration students created numerous disparate burdens for African-American and Hispanic students (cost, quality, overcrowding). • The RSD unlawfully developed an unpublicized system of preferential transportation services that disproportionately benefitted white students, such as "privy stops" in predominately white areas. | <ul style="list-style-type: none"> • Minority students continued to carry the transportation burden. For all practical purposes, the District continued to have a school system where transportation was mandatory for minority students to attend secondary schools outside their neighborhood, while no mandatory transportation burden was placed on majority students. • Through the 1989 Reorganization Plan, the RSD created a system where a greater mandatory transportation burden for schooling was placed on minority students. | <ul style="list-style-type: none"> • RSD may not implement policies or practices which place disparate transportation burdens on minority students compared to other students. • RSD may not confer transportation benefits on majority students as compared to minority students. • RSD must ensure that transportation is provided equitably to all students in order that minority students are able to fully participate in extra-curricular activities without significant hardships. • RSD must provide free transportation to students making desegregative transfers, to students participating in extra-curricular activities, and to other students and parents engaged in desegregation activities. | <ul style="list-style-type: none"> • Until Controlled Choice is fully implemented, and additional elementary, middle and high school capacity is added to Westside schools, minority students will continue to bear disproportionate transportation burdens. • Minority students and parents contend that because minority students still bear disproportionate transportation burdens, buses are overcrowded resulting in longer route times, safety issues, more discipline problems, and unfair punishments. • Some elementary schools have unilaterally eliminated after school activity buses or imposed burdensome scheduling requirements which impede minority students participation in extracurricular activities. • Because the Southwest quadrant, and the entire Westside, lacks a comprehensive high school, minority high school students continue to be subjected to disparate transportation burdens. |

DISCIPLINE & HOSTILE SCHOOL CLIMATE

The Court found that racial disparities in discipline were attributable to RSD conduct. Specifically, disciplinary action against minority students typically was based on racial stereotypes about behavior and racial assumptions about the need for disciplinary action.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • Historically, RSD subjected minority students to disciplinary actions (referrals, suspensions) at a disproportionate rate: - As late as the 1991-92 school year, African American students were 3.5 times more likely than white students to experience some form of disciplinary action. - For the 1993-94 school year, Hispanic students constituted 6.4% of the total student enrollment, but 7% of the years' disciplinary actions involved Hispanic students. - In Eastside (C-9) schools , minority students were disciplined 3.2 times as often as white students while in Westside schools, minority students were disciplined only 1.5 times as often as white students (1994 data). | <ul style="list-style-type: none"> • In the CRO, the court noted the following existing disparities in disciplinary action involving majority v. minority high school students: - For the 1994-95 school year, minority students were "far more likely" to receive at least one disciplinary referral while majority students were nearly twice as likely as minority students to receive no disciplinary referrals. - of the students receiving five or more referrals, 51% were minority although the total minority enrollment was only 32%. - At Jefferson High School, 92% of the 293 African-American students enrolled received one or more referrals; 68% received 5 or more. | <p>RSD must:</p> <ul style="list-style-type: none"> • Discipline all students fairly, without regard to race or ethnicity; "comparable conduct must receive comparable sanctions." • Develop a uniform, objective code of conduct. • Develop a plan to reduce the high number of referrals, suspensions and classroom exclusions which disproportionately impact minority students. • Enhance counseling approaches, implement multi-cultural education programs, and develop alternative approaches to discipline. • Conduct regular audits summarizing the reasons and sources of referrals and other pertinent information. • Implement alternatives to out of school suspension. | <ul style="list-style-type: none"> • RSD data for the first semester of the 1996-97 school year (the most recent available) indicates that minority elementary students accounted for 63% of the 421 out-of-school suspensions while comprising only 38.1% of the total student enrollment. • At the secondary level, minority students, who comprised about 34% of the total enrollment, accounted for 59% of the out-of-school suspensions for the same period. This represented an increase from 55% in the first semester of 1994-95. • RSD has developed a uniform discipline code, including a Spanish language translation. Codes are mailed to all parents at the beginning of the school year. • Minority students and parents continue to cite glaring examples of differential application of the discipline code to majority vs. minority student misconduct. The most common discrepancies involve fighting and subjective areas such as disruptive behavior, intimidation/threatening, and "unruliness." • Although required to implement alternatives to out-of-school suspension, several secondary schools have eliminated in school suspension programs. Other schools, notably Lincoln Middle School, have supported alternative discipline programs such as dispute resolution and peer mediation which can reduce conflict and resulting suspensions. |

STAFF RACIAL ATTITUDES AND THE STIGMATIZATION OF MINORITIES

The court found that RSD administrators and teachers engaged in racist behavior and exhibited negative racial attitudes towards minority students on a pervasive basis. The court made numerous findings concerning RSD employees who injected pre-conceived stereotypes and prejudices into their classrooms and schools.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • The court made numerous findings related to the stigmatization of African-American and Hispanic student and staff and schools which were racially identifiably minority schools: - When the RSD bused minority children to primarily white schools, the minority children were ostracized and frequently kept physically separate from the other students. - Latino transfer students who arrived by bus were met with racial epithets and prevented from socializing and playing with the school's other students. Minority students were "held" on buses and required to go straight to classes before school and immediately board buses after school. • White students who attended overwhelmingly white Gifted programs housed in minority schools were intentionally, and very publicly, kept separate from the neighborhood minority students: - The predominately white students in the centralized gifted program "used separate entry doors and separate bathrooms from the regular [minority] students and were separated from neighborhood school children for lunch, recess and classes." - The RSD's discriminatory tracking practices stigmatized African-American and Hispanic students as educationally inferior to white students | <ul style="list-style-type: none"> • Expert witnesses and consultants testifying at the CRO hearings noted that many RSD administrators and teachers still exhibited negative racial attitudes and resisted meaningful desegregation reforms: - "For many years the tracking of students that has become accepted practice in the District makes it difficult for staff to envision being able to design curriculum, instruction and strands of courses that will accommodate a range of student abilities, retain academic standards, and simultaneously satisfy parents who are concerned about their low and high performing children." - "Some teachers remain skeptical about teaching a more diverse student population, particularly students who represent a broader range of prior achievement and reading levels. Instead these teachers focus their concern on managing inappropriate student behavior." • As regards desegregative reforms, it appears that "staff are anticipating that 'this too will pass' and are engaging in waiting until conditions and circumstances return to their perception of 'normal' -- the way it used to be." This resistance is attributed to "well entrenched attitudes and beliefs of staff and their unwillingness to try to work with all students." | <p>The CRO required:</p> <ul style="list-style-type: none"> • A comprehensive staff development program which emphasizes exploring and changing racial beliefs which negatively impact minority students' educational experiences. • A Human Relations program to "foster the educational, attitudinal and developmental progress" of school staff, students and other appropriate target groups in support of desegregation and educational equity. • Equity compliance and student support staff to work at the administrative and building levels to resolve equity complaints and infuse equitable practices into all educational and social areas of the schools. | <ul style="list-style-type: none"> • A pervasive atmosphere of denial hampers efforts to move towards an equitable educational environment. Some Board members ridicule staff development programs such as Healing Racism and Multicultural Awareness. • Evaluation of the Healing Racism program by teachers and other staff has been positive; some staff members plan to become program facilitators and are involved in efforts within their buildings to improve the social and educational climate for minority students and parents. • There are many teachers and other staff who are dedicated to the premise that all students must have a full and equal opportunity to learn and the staff and students in the school have or will create the conditions to fulfill this premise. • Some Board members have consistently ridiculed and attempted to eliminate equity support positions, particularly those in Eastside schools (Human Relations Support Specialists, Parent Liaisons, etc.). • Minority parents continue to report an unacceptable number of incidents in which minority students and parents are subjected to actions based on racial stereotypes and prejudices: - Minority students are too frequently misidentified in school records as being gang affiliated based on student rumor, clothing style and color combinations, jewelry, |

STATUS CONT'D

handshakes, etc. Majority students are not subjected to the same stereotypes based on their attire or conduct.

- A disturbing number of minority fathers report being identified or mistaken by school staff as "boyfriends" despite having identical surnames, addresses, etc. in their child's student records.

- Adolescent [mis]behavior by minority students is often 'criminalized' and the students, particularly minority males, subjected to police action and other harsh punishment. Comparable behavior by majority students is not categorized as being criminal and the resulting disciplinary action is less severe.

EXTRACURRICULAR ACTIVITIES AND WHOLE SCHOOL ACTIVITIES

The Court found that if given equal opportunity to participate in extracurricular activities, minority students excelled. However, RSD policies and practices reduced minority students' opportunities to participate in such activities. While in 1989, there were no high school extracurricular activities in which whites did not participate, 36% of all extracurricular activities had no African-American participants and 72% had no Hispanic participants.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • RSD's desegregation policies required the mandatory, one way busing of minority students away from their neighborhoods. School buses operated based upon the normal school day and generally did not run in the late afternoon or early evening: - Mandatory reassignment students attending Eastside schools were effectively precluded from participating in extracurricular activities as RSD did not provide buses for after-school activities and mass transportation was often not available. • The RSD allowed subjective selection criteria to be used in connection with a student's participation in certain extracurricular activities. This subjective selection criteria resulted in racial identifiability and under-representation of minorities in certain extracurricular activities such as cheerleading. | <ul style="list-style-type: none"> • Disparities in extracurricular activities remained at the time of the CRO hearings. A significant effect of the District's policies and conduct was the continued racial identifiability of extracurricular activities and the under-representation of African-American and Hispanic students in extracurricular activities: - In the 1994-95 school year, 55% of the extracurricular activities reported at Auburn, East, Guilford, Jefferson, Skyview, Eisenhower and Flinn were racially identifiable. 28% of those activities had no African-American participants; 45% of the reported activities had no Hispanic Participants. | <ul style="list-style-type: none"> • The CRO established the "objective" that all extra-curricular activities have a minority student population/participation within +/- 15% of the percentage of minority students at each school; RSD is obligated to see that the goal is achieved to the extent practicable. • Although the 7th Circuit reversed the provision which required a minimum minority participation on cheerleading squads, the RSD is still required to ensure nondiscriminatory cheerleading selection practices. • RSD must develop a level playing field for participation in extracurricular activities and regularly examine methods and criteria for recruiting and selection to ensure racial fairness: <ul style="list-style-type: none"> - Selection and participation criteria must be based on interest and merit, and not reflect the racial backgrounds of students. - Transportation must be readily available and cost barriers removed. - Scheduling of extracurricular activities should be done in a way which allows full participation. - RSD must "rigorously promote its extra-curricular activities" (coaching and mentoring). - RSD must conduct a student interest survey of extra-curricular activities. | <ul style="list-style-type: none"> • For the 1996-97 school year,* the total minority cheerleading percentage was 23% for African American students but only 1% for Hispanic students. The overall (9th - 12th grade) percentage at individual schools ranged from a high of 52% African American cheerleaders at Auburn to a low of 4% African American cheerleaders at East: <ul style="list-style-type: none"> - Out of 110 cheerleaders in the four RSD high schools, only one was Hispanic (East 10th grade squad). - East had one African American cheerleader on the 9th grade squad and none on the 10th - 12th grade squads. • None of the RSD Progress Reports issued since the CRO was entered indicate whether the student interest survey has been conducted. * Since the 7th Circuit opinion was issued, RSD Progress Reports on CRO Implementation no longer include data on minority cheerleading participation. |

DISTRICT NON-RESPONSIVENESS TO MINORITY PARENTS' CONCERNS

The Court found that in numerous instances, RSD failed to respond to concerns expressed by minority parents and the minority community.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • Maintained one-way mandatory busing of minority students despite repeated protests from minority parents. • Ignored minority parents' concerns relating to unsafe school conditions (Muldoon, Montague, Church), and student assignment. • Ignored minority parents' protests regarding the 1989 Reorganization Plan which closed several predominately minority Westside elementary schools and West High School, and imposed extreme disparate burdens and educational disadvantages on minority students. • In contrast to the unresponsiveness to minority parents and community concerns, RSD repeatedly responded to concerns raised by majority parents, particularly with regard to student assignment. | <ul style="list-style-type: none"> • Due to the historical nonresponsiveness to minority parents and the community, parents have little faith in the RSD and its ability and/or willingness to educate their children. • Minority students' exposure to their parents' lack of faith in the educational system has caused minority students to believe it is impossible to succeed in the RSD. • The RSD's historical nonresponsiveness to minority parent and community concerns has led to lower levels of parent and community involvement in the schools. • Significant research indicates that meaningful parent involvement in the educational process is associated with improved education outcomes for students. | <ul style="list-style-type: none"> • Human Relations Program. • Family Support Center. • Parental Involvement Staff (Parent/Community Liaisons, Human Relations Support Specialists, equity assistant principals in secondary schools). • Citizen's Advisory Committee. • School monitoring of minority parent involvement. | <ul style="list-style-type: none"> • Through the efforts of the Family Support Center, Parent and Community Liaisons, Human Relations Resource Specialists and other staff, minority parent and community involvement in the schools is gradually increasing. Although the work of these support staff units is long-term and ongoing, RSD administration and a majority of Board members have repeatedly attempted to eliminate these positions. • Minority parent and community input and viewpoint is largely still ignored by RSD administration and the Board majority. For example, the District has announced plans to reimplement tracking (labeling it "ability grouping") despite strong opposition in the minority community. • Predominately white anti-CRO groups, such as REACH, are perceived as having undue influence in RSD and Board decisions. Anti-CRO persons have been appointed by the Board to key Board Committees. |

LACK OF STAFF DEVELOPMENT OR ADMINISTRATIVE SUPPORT

Although many faculty members had few encounters with minority students prior to desegregation activities, RSD did not provide adequate multi-cultural training to its staff. RSD also failed to provide administrative support to any of its sporadic desegregative programs.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • Sporadic efforts to improve educational opportunities for minority students and encourage voluntary desegregation transfers were poorly supported and not maintained by RSD (e.g. Welsh Teacher Development Center; Washington Community Center; Haskell and Bloom Focus Centers). • In the 1970s, the Bloom Focus Center became a focal point for voluntary desegregation transfers from throughout the city. The actions of RSD's Board and Superintendents, however, eventually deprived the school of its diverse transfer base and turned a model program into a re-segregated school. • The Haskell Focus Center program was a successful model of integration, with complete and harmonious interaction between African-American and white students, but received little or no support from the RSD. Through a series of transportation reductions and eventual elimination of transportation, white transfer students were deterred from attending Haskell School and their numbers were accordingly reduced. • As of 1993, the Staff Evaluation Plan of the Rockford Public Schools contained no provisions for evaluating teachers or other staff on the basis of any racial integration or educational equity objectives or requirements. | <ul style="list-style-type: none"> • As recently as 1995, independent educational consultants found that principals generally did not provide strong leadership at the elementary or secondary levels in connection with desegregation effects, noting that principals did not attend any of the staff development sessions conducted by the consultants. The consultants further found that: <ul style="list-style-type: none"> - "Some of the most obstructive individuals are the currently appointed department chairs in the middle and high schools." • "It is hard for teachers who are deeply rooted in the system to be aggressive about change and innovation. To date, these individuals have been defensive and see their roles and responsibilities as much to satisfy department chairs and their peers in the schools as to implement the innovations and improve equity conditions." | <p>To support desegregation efforts, the CRO ordered:</p> <ul style="list-style-type: none"> • The creation of a Department of Desegregation reporting jointly to the Superintendent and the Special Master. The Department includes a network of administrative and technical support staff to ensure effective CRO implementation successful desegregation (transportation, Parent Information Center, MIS staff). • A staff development program focused on multicultural development and high order thinking skills consistent with the recommendation of Southwest Regional Educational Lab. • Human Relations Support Specialists and Curriculum Implementers to support equitable educational and social development practices and encourage positive attitudinal change in faculty and support staff. | <ul style="list-style-type: none"> • There remains a great deal of resistance to equity related staff development by the REA. Some Board members are openly critical of and derisive towards staff development programs which seek to shape positive attitudes toward minority students and an inclusive, tolerant school climate (i.e. Healing Racism, multicultural awareness training, etc.) • The Board has consistently attempted to abolish staff positions which relate to equity, inclusion, and nondiscrimination: <ul style="list-style-type: none"> - During the 1997 Budget Reduction process to reduce the General Education Fund deficit, the Board, in defiance of CRO governance rules, sought to eliminate many CRO/Tort funded equity positions (Curriculum Implementors, Human Relations Support Specialists, Parent Liaisons). - In a unilateral and unauthorized action, the Board "voted" to reduce Human Relations Support Specialists from 12 month to 10 month positions. These staff members were all African American and Hispanic and worked in Eastside, predominately white schools. • The District has done little to foster a team-oriented relationship among regular and desegregation staff and departments. Rather, the administration and Board continue to create an "us against them" atmosphere with regard to CRO implementation, both at the administrative and school level. |

EMPLOYMENT DISCRIMINATION & FACULTY AND STAFF SEGREGATION

For decades, minorities were grossly under-represented in most employment classifications in the RSD. For more than twenty years, RSD failed to meet the 15% minority hiring goal it agreed to as part of the QUEFAC case. The Court found that the District's schools were racially identifiable by faculty & staff as well as by student composition.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • Although the RSD in 1973 committed to minority hiring goals (increasing each year to culminate in a goal of 15%), the percentage of certified employees in District in 1988-89 was almost identical to the percentage in 1974-75 (7.0% vs. 7.2%). • In 1988-89, minorities were woefully under-represented among the RSD's 3,636 employees: <ul style="list-style-type: none"> - Only 8.6% of the 127 managers at the central office and in school administration were minority. - Only 7.0% of teaching staff were minority. - In non-certified service occupations, only 3.7% of the clerical employees were minority. - RSD achieved an overall minority employment level of 16.3% because minority employees constituted 30% of bus drivers, 21% of aides; minorities represented 17.6% of the custodial employees but only 10.3% of food service employees. • RSD purposefully failed to take serious efforts to recruit, hire and promote minority employees: <ul style="list-style-type: none"> - When RSD first hired a personnel director in 1978, no one informed him of the District's minority hiring goals; between 1978-1984, the RSD Superintendent never discussed minority recruitment or hiring with the personnel director. | <ul style="list-style-type: none"> • The only employment classifications in which RSD exceeded its minority hiring goal of 15% were bus drivers, teacher aides and custodial staff. • In the 1995-96 school year, RSD's minority teacher percentage was only 9% overall -- 6% African American and 3% Hispanic. The minority student population was well over 30%. • Significant faculty and staff segregation continued to exist at the time of the CRO hearings. In the 1995-96 school year: <ul style="list-style-type: none"> - of the 97 African American and Hispanic teachers in elementary schools, 82 were assigned to the fourteen C.8 and magnet schools (primarily West of the River and generally having a higher percentage of minority students). - on average, minority faculty accounted for only 3% of the teachers in C.9 schools (primarily East of the River with predominately white enrollments). - eight C.9 schools had no minority teachers, 11 had one, and two schools had two minority teachers. Overall, 38% of the C.9 schools still had all white teaching staffs. | <ul style="list-style-type: none"> • Achieve a faculty of at least 13.5% minority teachers in each grade configuration (elementary, middle and high schools) as soon as practicable. • To prevent newly hired minority faculty from being laid off under "last in, first out" reduction in force (RIF) contract provisions, the RSD's post-RIF minority faculty ratio must approximately equal the pre-RIF ratio. • Enjoined contractual faculty placement provisions, by allowing RSD a period of time to place a minority teacher in any vacancy for which he/she qualifies. • At the elementary level, no school is to exceed the percentage of the RSD's elementary minority faculty by 5% (a current compliance standard of 12.3% moving to the 5% standard as hiring approached the 13.5% level). • Secondary schools held to the +/-5% standard presently and after achieving 13.5% minority faculty hiring. • Enjoined any part of the RSD/REA collective bargaining agreement which would prevent implementation of the faculty hiring and placement provisions. | <ul style="list-style-type: none"> • Although the Seventh Circuit reversed the minority faculty hiring and retention goals and assignment provisions, RSD still must increase minority faculty representation to provide a desegregated environment: <ul style="list-style-type: none"> - the district has a continuing obligation to recruit bilingual teachers and support staff. A large number of bilingual teacher and support staff positions remain vacant. - the state of Illinois imposes upon school districts a duty to engage in affirmative action recruitment and hiring. • As of the 1997-98 school year, ten elementary schools in the RSD have a 100% white teaching staff. • The REA collective bargaining agreement expires in 1999, providing the District another opportunity to negotiate the removal of provisions which obstruct faculty integration. • Minority faculty continue to be clustered in Westside schools. Currently, ___% of minority elementary classroom teachers are assigned to Westside, formerly C.8 schools. As Controlled Choice is phased in at all grade levels, school student populations will become integrated while faculty remains segregated. • In RSD's central administration, the Superintendent is the only minority cabinet level administrator who is not partially or fully Tort funded. |

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EMPLOYMENT DISCRIMINATION & FACULTY AND STAFF SEGREGATION CONTINUED

Violations Continued

- From 1963-1989, the overwhelming majority of African American teachers, at all grade levels, taught in racially identifiable minority schools:
- Testimony in the 1973 QUEFAC case revealed that 96% of minority teachers were clustered in twelve racially identifiable minority elementary schools; 75% of middle school faculty were clustered in two racially identifiable minority middle schools.
- The racially skewed assignment patterns for teachers continued at all grade levels through the time of the liability hearing.
- Through 1989, RSD hired only eight minority principals who, collectively, had thirteen assignments. Only one assignment was to a school without a high minority enrollment.
- At a 1989 Board meeting, the sole African American member questioned the fact that RSD had no minority high school principals. Another Board member responded that Rockford "was not ready" for an African-American high school principal:
- In 1993, at the time of the liability hearing, RSD had never employed an African-American or Hispanic as a high school principal.
- Despite acknowledging that REA contract provisions related to faculty assignment obstructed faculty and staff desegregation, RSD continued to renegotiate the provisions into subsequent contracts.

Violations Continued

- Minority non-certified staff were also clustered in racially identifiable minority schools, even when contract provisions covering non-certified employees did not hinder the RSD from making desegregative assignments.

Status Continued

- Board members have repeatedly attempted to eliminate CRO equity related positions which are staffed by minority employees:
- During the 1997 Budget Reduction process, Board members sought to eliminate the Human Relations Support Specialists, who are all African-American or Hispanic and assigned to Eastside schools. These staff members are often the only minority staff assigned to Eastside schools.
- The Board also attempted to eliminate Parent Liaisons, who work to increase minority parent involvement in the schools, and minority student participation.

SPECIAL EDUCATION

The RSD engaged in intentional discrimination by assigning students in its special education program in a manner which unduly burdened minority students. RSD assigned vastly disproportionate numbers of minority elementary special education students to non-Southwest quadrant schools.

| <u>Specific Violations Found</u> | <u>Vestiges/Effects</u> | <u>Remedial Provisions Ordered</u> | <u>Status</u> |
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| <ul style="list-style-type: none"> • Although RSD's stated policy exempted special education students from desegregation programs, prior to the <i>People Who Care</i> lawsuit RSD assigned 99.6% of Southwest Quadrant elementary self contained special education (SCSE) students to schools outside the Southwest Quadrant. Most of these predominately minority students were assigned to Eastside schools. A similar pattern occurred in middle and high school special education assignments. • Although the Court did not make specific findings as to the disparate placement of minority students into special education classifications, RSD's stipulated enrollment data from 1973 to 1990 revealed the following: <ul style="list-style-type: none"> - During the 1970's African-American students were four times as likely as whites to be placed in subjective, low-status special education classifications such as Behavior Disorder and Educable Mentally Handicapped/Retarded. - For Learning Disabled, a subjective category involving less stigma, African-American students were only slightly more likely than whites to be placed in such classes. | <ul style="list-style-type: none"> • Minority students continued to be disproportionately referred to and placed in certain special education classifications: <ul style="list-style-type: none"> - As recently as 1995, RSD sequestered 3.6 times as many African-American than white students within self-contained classes presumed to treat behavior disorders (BD). - During the 1995-96 school year, African-American students, who made up only 25% of the students in the RSD, were assigned to 51.1% of the seats in SCSE/BD classes. • In one school, students classified as behavior disordered were forcibly placed in "time out rooms" -- concrete boxes with steel doors locked from the outside. RSD consultants condemned the practice as "cruel, and educationally damaging", particularly since it was aimed "far more frequently at African-American students (males in particular) than at other racial/ethnic groups." • Once placed in special programs, minority students are infrequently mainstreamed into the traditional curriculum and instead typically continued in special programs for the duration of their educational programs in the Rockford schools. | <ul style="list-style-type: none"> • Judge Roszkowski held that the RSD's assignment of almost 100% of minority SCSE students to schools outside the Southwest Quadrant was an act of intentional discrimination. However, he agreed with Judge Mahoney that special education students, who already face significant educational burdens, should be exempt from desegregation programs. Therefore, no special education remedy was ordered. • The Master recommended that all African-American students in the RSD's self contained behavior disordered classes be re-evaluated to ensure that the placements were valid and not racially motivated. The District Court disagreed and the decision was upheld by the 7th Circuit. | <ul style="list-style-type: none"> • Control of the special education program was returned to RSD in the final segment of the CRO issued June 7, 1996. • While under the Second Interim Order, RSD increased the number of SCSE seats in the Southwest quadrant to 41% in 1994-95. Since RSD assumed full control of special education, the number of Southwest quadrant SCSE seats has dropped precipitously, to 24.7% in 1997-98. • Minority children are still overrepresented in the special education program in both self-contained classes (particularly behavior disorder classes) and pull-out services: <ul style="list-style-type: none"> - For the 1997-98 school year, the percentage of minority elementary students in SCSE classifications, most of whom reside in the Southwest Quadrant, was at 53.7% vs. a districtwide elementary minority enrollment of approx. 38.0 %. • Minority parents continue to distrust the high percentage of minority students referred and placed into special education classifications, particularly self contained classrooms. |