

UNITARY STATUS ADVISORY AND OVERSIGHT COMMITTEE
2014-2015 ANNUAL REPORT

I. Procedural Background, History and Creation of Committee

After desegregation litigation¹ that lasted almost forty (40) years, a Settlement Agreement between Plaintiffs and Orange County Public Schools (“OCPS”) was executed by the parties on October 12, 2010 (the “Settlement Agreement”). In settling the litigation, the Settlement Agreement, as more particularly described therein, required OCPS to take certain actions with respect to three (3) main issues: (i) the diverse recruitment of OCPS personnel; (ii) the disclosure of extracurricular activities at middle schools and high schools; and (iii) the construction, renovation, replacement and utilization of OCPS facilities, including portables.

In an effort to insure the public’s confidence and trust in compliance with the terms of the Settlement Agreement, the School Board of Orange County, Florida voluntarily adopted Policy BDF, Unitary Status Advisory and Oversight Committee, which created the Unitary Status Advisory and Oversight Committee (the “USAOC” or “Committee”), and which outlined the Committee’s purpose, composition, procedural duties and responsibilities.

Also as a result of the Settlement Agreement, OCPS Policy JJ, Extracurricular Activities, was amended and OCPS Policy GCE, Recruitment and Retention of a Diverse Employment Staff, was implemented, to include information supporting the Settlement Agreement’s objectives.

In 2013, at the suggestion of School Board Member Kat Gordon, the composition of the USAOC was increased from eight (8) to sixteen (16) members. The composition of the USAOC, as revised, now consists of one voting member and one alternate member appointed by each of the elected members of the School Board. In addition, the policy was modified to allow for the terms of service to be staggered, to reduce the amount of Committee member turnover from year to year. It should be noted that since the changes were implemented, participation and engagement by the USAOC has increased, and quorum has been met on each and every occasion.

In the 2014-2015 Fiscal Year, the USAOC has held five (5) meetings on the following dates:

- October 22, 2014
- December 17, 2014
- March 4, 2015
- April 22, 2015
- July 22, 2015

The initial meeting on October 22, 2014 was dedicated to provide the Committee members with an overview of Orange County Public Schools as an organization. The presentation was led by OCPS Chief of Staff, Cathy Pope. Upon proper motions, the Committee selected Marlin Daniels, as its chairman and Don Madden, as its vice-chairman, for the 2014-2015 fiscal year.

¹ The original case was styled as *Evelyn R. Ellis, Areta G. Pritchett, Danny Curry and Zerena Curry, Claudia Ware, Lutricia Henderson, Syrial D. Kinsler and Winston K. Kinsler, Pamela Woodley and Everett L. Wilson v. The Board of Public Instruction of Orange County, Florida*, with case number 6:62-cv-01215-ACC-GJK in the Orlando Division of the United States District Court for the Middle District of Florida.

Each subsequent meeting highlighted one area from the Settlement Agreement. USAOC members were engaged, and were provided opportunities to ask questions and seek answers from OCPS staff. The Committee members were provided with all OCPS reports in advance of the Committee meetings. These reports have been also made available to the public on the Committee's website. Each meeting also provided an opportunity for members of the Committee to ask questions about the previous topic and members of the public were also allowed to participate.

A meeting of a subcommittee of the USAOC was scheduled for July 15, 2015. A draft copy of the report was sent to: Chair Marlin Daniels, Vice-Chair Don Madden and USAOC Members Sandy Stenoff, Pastor Frank Thompson and Nattacha Wyllie. Chairman Daniels attended the meeting with the General Counsel and some changes were made to the first draft but no additional comments were received from the other members. A second draft was subsequently issued to the entire USAOC on July 16, 2015 and this final report was subsequently approved by the Committee at the meeting of July 22, 2015. This report to the School Board satisfies the requirements for an annual report pursuant to School Board Policy BDF and provides the School Board with the Committee's opinion with regard to OCPS's compliance with its performance obligations under the Settlement Agreement.

II. Report on OCPS Performance Under Settlement Agreement and Related Recommendations

Human Resources

The Committee's opinion is that OCPS is in compliance with the recruitment obligations of the Settlement Agreement.

The Committee finds that OCPS has complied with the provisions in the Settlement Agreement with respect to the hiring and recruitment of a broad and diverse applicant pool including geographic, gender, racial and ethnic diversity. In addition, the Committee recommends that OCPS should focus on the recruitment of groups that are underrepresented in the broad diversity of Orange County's student population.

The Human Resources report was presented by Dr. Carol Kindt, Senior Executive Director Human Resources, on December 17, 2014. The Committee gave suggestions on sites to try to recruit more qualified minority candidates. Specifically, one of the members of the USAOC suggested venues wherein OCPS could recruit more Haitian candidates. As a result, Dr. Kindt did go on a local television program that reaches members of the Haitian community for recruitment purposes.

Facilities

The Committee's opinion is OCPS is in SUBSTANTIAL compliance with the facilities construction, renovation and replacement obligations of the Settlement Agreement.

The emphasis of the facilities component is on the timeliness and due diligence of the District to construct, replace or renovate the schools identified in the Settlement Agreement. Discussion on the District's compliance and obligations was led by John Morris, OCPS' Chief Facilities Officer and John Palmerini, OCPS' Associate General Counsel at the March 4, 2015 meeting.

The Settlement Agreement identifies certain schools that are subject to improvements or construction, when financially feasible, and places an emphasis on monitoring the schedule of long-term capital improvements as it relates to these schools. There were three categories of schools: (i) four (4) schools already scheduled for construction as of 2009; (ii) six (6) schools that had, as of 2009, been appropriated funding for improvements to be made between 2012 and 2016; and (iii) seven (7) schools that had not been allocated any funding as of 2009.

A good majority of the members of the USAOC served the previous year and had received similar briefings and information from the Chief Facilities Officer, the Chief Financial Officer and the General Counsel. In the prior year, a chart displaying all of the projects and their anticipated completion dates, along with the amount budgeted per year had been provided which clarified concerns about compliance.

There was discussion in relation to the construction of the new K-8 school in lieu of renovating and operating the Grand Avenue Primary Learning Center, which currently only services students in grades K-2. Consensus from the Committee was that while the potential closing of the Grand Avenue Primary Learning Center may constitute a technical non-compliance of the Settlement Agreement, the intent and the spirit of the Settlement Agreement have been met by OCPS and that OCPS is in compliance.

Finally, Associate General Counsel John Palmerini briefed the Committee on a lawsuit which alleged that the School Board had violated the Unitary Status Settlement Agreement. The lawsuit was deemed to be without merit and therefore was dismissal with prejudice by the Circuit Court.

Extra-Curricular Activities

The Committee's opinion is that OCPS is in substantial compliance with the extracurricular activity notification obligations of the Settlement Agreement.

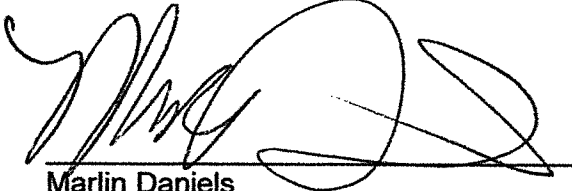
Since its inception, the monitoring of notices regarding extracurricular activities has continued without any issues or concerns. Scott Fritz, OCPS' Chief Academic Officer, and Matthew Fitzpatrick, OCPS' District Athletic Director, presented their findings to the USAOC at the Committee meeting on April 22, 2014.

Members of the Committee asked clarifying questions regarding the amount budgeted to pay for teachers that serve as sponsors for extra-curricular activities and also the process by which some schools select which extra-curricular activities are carried out at each school. In general, committee members were satisfied with the District's ongoing performance in this area.

In reviewing the requirements of the Agreement, the extra-curricular report was not posted online although the PowerPoint was posted. The Committee recommended that the extra-curricular report be posted by no later than 30 days from the end of the first semester on the legal services website along with other unitary status reports.

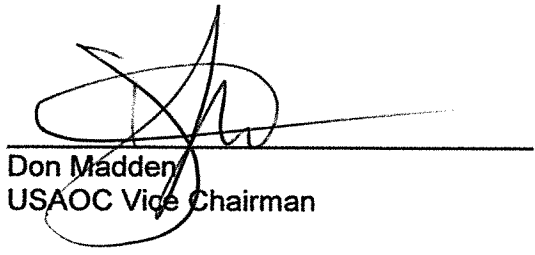
III. Conclusion

At the July 22, 2015 meeting, the Committee approved separate motions confirming that OCPS remains in compliance with the provisions in the Settlement Agreement. This final report, including any proposed changes, was adopted by the Committee at that same meeting.



Marlin Daniels
USAOC Chairman

07/22/15
Date



Don Madden
USAOC Vice Chairman

08/5/15
Date