

**UNITARY STATUS ADVISORY AND OVERSIGHT COMMITTEE**  
**2013-2014 ANNUAL REPORT**

**I. Procedural Background, History and Creation of Committee**

After desegregation litigation<sup>1</sup> that lasted almost forty (40) years, a Settlement Agreement between Plaintiffs and Orange County Public Schools (“OCPS” or the “District”) was executed by the parties on October 12, 2010 (the “Settlement Agreement”).<sup>2</sup> 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 2013-2014 Fiscal Year, the USAOC has held seven (7) meetings on the following dates:

- December 18, 2013
- February 12, 2014
- March 19, 2014
- April 16, 2014
- June 18, 2014
- July 16, 2014

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<sup>1</sup> 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.

<sup>2</sup> The Unitary Status Settlement Agreement (“Settlement Agreement”) defines the terms “District” and “School Board” as the defendant in the action. For the purposes of this report, the term “School Board” shall refer to the Orange County School Board, the governing body of Orange County Public Schools.

- August 13, 2014

The initial meeting on December 18, 2013 was dedicated to preparing the new and returning Committee members on the purpose of the USAOC, as well as the application of Florida's Government in the Sunshine provisions. The presentation was led by OCPS General Counsel, Diego "Woody" Rodriguez.

Each subsequent meeting either highlighted one area from the Settlement Agreement, or dealt with issues raised at a prior Committee meeting. USAOC members were engaged, and were provided opportunities for questions and answers from OCPS staff. The Committee members were provided with any relevant information either before or after the meetings, and all OCPS staff reports have been made available to the public on the Committee's website. Each meeting also allowed the members to ask questions about the previous topic and members of the public were also allowed to participate.

With regard to the distribution of the OCPS staff reports, the USAOC members have recommended (and the OCPS staff has implemented) that the reports be provided with greater advanced planning. In the past, the reports have not been released to the USAOC until the information had been presented to the School Board. In a couple of instances, the USAOC meeting occurred a day or two after the School Board was presented with information. While OCPS staff was attempting to provide the USAOC with information as current as possible, the suggestion was to provide the report to Committee members at least a week in advance of Committee meetings. OCPS staff has now followed that suggestion and will continue to do so for future meetings.

Another issue of concern has been the format of the OCPS staff reports. Given that the reports are large electronic files, distribution of the report via email is not feasible and thumb drives are not easily distributed. Instead, the Committee has been issued links to the reports on the OCPS website (as a solution for advance notice) and then provided with a thumb drive at the next meeting. This has been received as a satisfactory solution to the distribution issue by the members of the USAOC.

The following shall serve as the Committee's report (the "Final Report") to the School Board regarding the Committee's opinion on 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.

This year, the USAOC expanded their discussion of the HR report to two separate meetings, first on February 12, 2014, and then again on March 19, 2014. Leading the discussion on behalf of OCPS was Dr. Carol Kindt, Senior Executive Director of Human Resources. One of the concerns raised by Committee members was that the PowerPoint data did not reflect actual numbers of employees hired, but rather just percentages of hires. While the actual 453 page report contains actual numbers broken down extensively by school and learning area, the USAOC sought more definitive numbers for future PowerPoint presentations.

### **Extra-Curricular Activities**

The Committee's opinion is that OCPS is in 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 16, 2014. Connect Orange messages were once again issued prior to the start of the school year, to notify middle and high school parents, and students of various tryout opportunities for athletics and arts along with club memberships available to all students. Each secondary school properly documented the manner in which their students were made aware of the extracurricular opportunities available for them, as well as the sponsors and meeting dates.

The USAOC members focused on making sure that both access to the information and communication of the opportunities were of paramount importance. A suggestion was made that the District develop a mobile application—or "app"—to help distribute information. OCPS staff referenced that an agreement with a third party provider had just been reached and that a new OCPS app had just been developed. The Committee then recommended that such extracurricular activity notification functionality be added to the existing mobile application.

USAOC members also sought to insure that other non-athletic activities like chess club, debate, etc. were noticed. OCPS staff confirmed that opportunities to participate in all extra-curricular activities, including non-athletic events, are duly noticed. Another concern of the Committee was that some of the activities are not being replicated throughout the District. It was pointed out that several key factors impact whether a school undertakes a certain activity, including, predominantly, the school's interest in such extra-curricular activity, the availability of volunteers or faculty sponsors, and the costs for the activity or sport.

Finally, the USAOC commented on the impact the digital divide has on our student population and the lack of access by all parents & students to electronic communications. OCPS staff pointed out that currently, hard copies of any such notices are made available at the front office of the schools and that computers are available at the schools for students to access the school's website for the latest information.

### **Facilities**

The Committee's opinion is OCPS is in 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's Chief Facilities Officer, Diego "Woody" Rodriguez, OCPS's General Counsel, and Rick Collins, OCPS's Chief Financial Officer, at two separate meetings, first on June 18, 2014, and then on July 16, 2014.

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.

At the June 18, 2014 meeting, there were questions raised by a member of the public—and in turn by at least two (2) USAOC members—as to whether there has been compliance with the Settlement Agreement. Because of the confusion created by the speaker's comments and because the USAOC members did not have the appropriate documents to answer their questions, the discussion was tabled until the following meeting. At the July 16, 2014 meeting, a detailed year-by-year review of each of the Capital Improvement Plans that have been adopted by the School Board since 2009-2010 was presented by the General Counsel (with support from the Chief Financial Officer). The following uncontroverted conclusions resulted from that meeting:

- (1) All four (4) of the schools that were scheduled for construction as of the date of the Settlement Agreement have been completed.
- (2) All six (6) of the schools identified as being funded from 2012 to 2016 as of the date of the Settlement Agreement are either completed, under construction, in the design phase or soon to be in the design phase. However, none of the six schools has been unfunded or delayed for financial reasons. The only delays have been for construction schedules or for land acquisition issues.
- (3) Of the seven (7) schools slated for construction, but are without funding as of the date of the Settlement Agreement, one (Washington Shores) was moved up on the list and in fact has now been constructed. This allowed Dover Shores, a non-Settlement Agreement school, to be funded. The other six (6) schools still have no funding appropriated to them but it is expected that, with the exception of Richmond Heights, the remaining schools will be funded if the half-cent school sales tax ballot initiative is approved the voters of Orange County, Florida as part of the August 26, 2014 election. If the ballot initiative is not approved, funding for these other schools will be delayed until sufficient funds exist to construct these schools
- (4) There was one anomaly, in that funding for Cypress Park Elementary School was reflected in the 2013-2014 CIP. However, that has been corrected, and for the 2014-2015 CIP, there will not be funding appropriated for Cypress Park, since a corresponding list school has not been funded.

The USAOC members spent considerable time on the discussion of the contemplated Kindergarten-through-8<sup>th</sup>-grade ("K-8") schools, how the construction of such schools will be determined and any impact created by the construction of the Parramore K-8 school on the facilities obligations under the Settlement Agreement. There was also some concern expressed by the USAOC about the existing zoning maps, which include island zones effectively transporting elementary school students to other elementary schools, and the impact this has had on enrollment at those schools. There was also general discussion of the future of Grand Avenue Elementary, but it was reiterated several times that no decisions have been made by

the School Board as to the future of any schools in the Parramore area. Discussion also ensued regarding the future of Richmond Heights Elementary, and community rumors to sell the property to a Church or another entity were addressed by OCPS staff as inaccurate, with emphasis made on the fact that the facility has been repurposed and will be reopening as a VPK facility in the fall of 2014.

Finally, USAOC members advocated for as much notice to the community as possible about any changes to the neighborhood schools, and asked that they be included in any community meetings or activities as early as possible.

### III. Conclusion

Throughout the year, there have been questions raised at various times by members of the USAOC about the role and purpose of the Committee. Their role is understood that it is advisory in nature only, in that this Final Report and its related recommendations are intended solely to assist OCPS by providing oversight of the District's activities. Several representatives of OCPS, including School Board Member Kat Gordon, and General Counsel Rodriguez, as well as some of the long-standing members of the USAOC that are serving their second term, have also clarified the Committee's role. Because the USAOC is voluntary and advisory in nature, this explanation has been an important clarification and one that has guided the content of this Final Report.

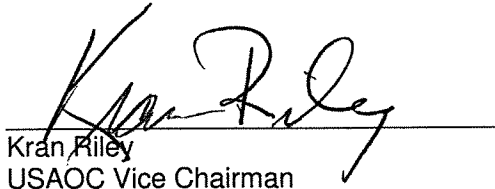
An initial draft of this Final Report was prepared by OCPS staff, with significant input from Chairman Daniels. The draft Final Report was then submitted to the USAOC members for individual input in advance of its final approval at the August 13, 2014 meeting. All proposed revisions to the draft Final Report that were approved by the Committee are incorporated herein.

The recommendations herein, and all reports and relevant documents have also been shared with the Orange County School Board.



Marlin Daniels  
USAOC Chairman

12/17/2014  
Date



Kran Riley  
USAOC Vice Chairman

12/17/2014  
Date