

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	3:80-cv-00035-TLS-CAN
)	
SOUTH BEND COMMUNITY)	
SCHOOL CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**STIPULATION OF THE PARTIES
REGARDING CONSENT DECREE COMPLIANCE**

Pursuant to the parties’ Joint Stipulation approved by this Court on June 7, 2018 [DE 162], the parties, through their undersigned counsel, do hereby stipulate that the South Bend Community School Corporation (“District”) will take the following steps to comply with the Consent Decree in this desegregation case by ensuring non-discrimination in student discipline, equitable transportation under the Focus 2018 plan, and continued review of high school programs and student enrollment practices. Pursuant to the Court’s June 2018 Order, the District already has begun implementing Focus 2018, which provides a new student assignment plan for elementary and middle schools.

I. Student Assignment to High Schools

To further desegregate enrollments as required by the Consent Decree, the District will:

- a. actively recruit students to apply to magnet programs, explore modifying or enhancing the Medical Magnet Health Sciences program at Washington High

School, and provide transportation to promote desegregated enrollments at magnet schools;

- b. explore ways to utilize its open-enrollment process to further desegregation at Washington High School and Rise Up Academy, including eliciting community feedback on possible changes; and
- c. review its referral and enrollment practices for students to enroll at Rise Up Academy and implement the steps set forth in Section III below to address exclusionary discipline practices that may lead under-credited students to enroll at Rise Up Academy.

II. Analysis of Transportation Data

With respect to transportation, the District acknowledges its obligation to ensure that “transportation shall be designed so that all racial groups share as equally as possible.” 1980 Consent Order at 3. During the fall semester of the 2018-2019 school year, the District will analyze the transportation routes used to implement the Focus 2018 plan and make any necessary adjustments to such routes. When the District reports average and longest ride times for student transportation in its annual reports to the Court, it will report such data disaggregated by race.

III. Non-Discrimination in Student Discipline

The District will take the following steps to ensure non-discrimination in student disciplinary practices as required by the Consent Order. *See* Consent Order at 3.

- a. Beginning in the 2018-2019 school year, the District will uniformly implement its current Student Code of Conduct across all of its schools.

- b. Throughout the 2018-2019 school year, the District’s directors for elementary and secondary schools will work along with its Multi-Tiered System of Supports (“MTSS”) team to provide schools and staff with training, resources, and support to teach school rules and social-emotional skills, reinforce positively appropriate behavior, and implement its planned “Response to Intervention” strategies.
- c. During the 2018-2019 school year, the District will offer informational sessions and opportunities for parent and community engagement (e.g., listening tours) and utilize its Family and Community Engagement Program to receive public input regarding its current Student Code of Conduct. The District will consider this input and analyses of its discipline data as it revises this Student Code of Conduct and consolidates its student handbooks for grades 9-12, 6-8, and K-5.
- d. By May 1, 2019, the District will provide the United States with a copy of any revisions to its Student Code of Conduct for review and comment, and the parties will work together so that the District can produce a final code by July 1, 2019.
- e. Prior to October 1, 2019, the District will train teachers, administrators, school resource officers, bus drivers, and other employees involved in student discipline on the revised Student Code of Conduct.
- f. Once the revised Student Code of Conduct is finalized, the District will implement this Code across all schools.
- g. Beginning in the 2018-2019 school year, the District will monitor schools’ implementation of its Student Code of Conduct by:
 - 1. developing a mechanism for school personnel to track and analyze disciplinary referrals and infractions that lead to non-exclusionary

consequences (*e.g.*, parent conference) and referrals to law enforcement, as well as the results of those referrals; and

2. conducting semester reviews to identify changes and trends in rates of disciplinary referrals and discipline consequences issued (*e.g.*, in-school suspension, out-of-school suspension, referrals for expulsions) on the basis of race, and working in coordination with its MTSS team and system of Positive Behavioral Interventions and Support to address any discipline practices that discriminate against students on the basis of race.

IV. Reporting

- a. Beginning in November 2018, the District will include in its annual report to the Court the following:
 1. information regarding its magnet school recruitment efforts and their impact on enrollments by grade and race in its magnet school programs;
 2. its analyses of transportation used to implement the Focus 2018 plan required by Paragraph II above, including average and longest ride times to elementary, middle, and high schools disaggregated by race; and
 3. analyses of discipline rates for the prior school year by grade configurations, including, but not limited to the type of discipline data and analyses reported to the School Board in June 2018 (*see* Ex. A at 5-10 to Mem. in Supp. of Jt. Mot. for Approval of Stipulation filed today); and any necessary action that the District has identified as a result of its analyses.

- b. By January 15 and July 15 of each school year, the District will provide the United States with a preliminary report of the discipline information in their database, including all referrals and dispositions.
- c. The District also will provide supplemental data and information regarding its implementation of this Stipulation to the United States upon request within 30 days.

Dated this 31st day of August 2018.

/s/ Alyson R. Schwartz
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 31st day of August, 2018, a copy of the above and foregoing document was filed with the Clerk of Court using the CM/ECF system which sent electronic notification of such filing to all those individuals currently electronically registered with the Court.

/s/ John W. Borkowski