

**Third Interim Report**

**to**

**U. S. District Court for the District of Delaware**

**Submitted by**

**Linda O. Rhen, Ed.D., Special Master**

**for the**

**Consent Order in re: Coalition for Education Reform v. Indian River School District  
Civil Action No.16-cv-00885-RGA**

**May 6, 2021**

## **Background**

The Consent Order, Settlement Agreement, and Appointment of a Special Master in re: Coalition for Education Reform v. Indian River School District was issued and effective November 6, 2019, Civil Action No. 16-cv-00885-RGA. The Special Master is to furnish the Court with an Interim Report no less than every six months throughout the five-year duration of the agreement, or as otherwise required by the Court. This is the Third Interim Report.

Fundamental to implementation of the Consent Order was closure of the Carver Academy Program, transition of its students to programs in the Indian River School District (IRSD) schools, preferably the student's home school with supports and services in academics and behavior. It is understood that the district will never re-establish a separate and segregated program to take the place of the Carver Academy Program. The key to moving forward is transparency of decision-making, process, and programs with continued work on Equity, Diversity, and Inclusion.

In terms of oversight, the Special Master held regular meetings, most via Zoom calls and some in person, with school district administrators from November through May 6, 2021, including five onsite visits to IRSD schools from November 2020 through May 4, 2021. Visits included observations in IRSD schools with the goal of observing all of the former Carver Academy students who continue to be enrolled in the Indian River School District.

The First Interim Report to this court recorded the IRSD plan to implement the Consent Order by closing the Carver Academy Program and transition the students to district schools.

In the Second Interim Report, IRSD data was compiled to establish a baseline of information that supports the focus of the work moving forward. The focus being Diversity, Equity, and Inclusion; Improving IRSD Graduation rates with a focus on reducing racial disparity in those graduation rates; and Reducing Disciplinary Exclusions while addressing racial inequities.

In the role of Special Master I have emphasized the need for IRSD to make its processes and procedures transparent to faculty, staff, students, and the community, and to relate the work on these important areas to their overall strategic plan and goals. The district must focus on the elements of equity, diversity, and inclusion; graduation; and disciplinary exclusions in a related process to improve the future of all of its students and as noted in the original Consent Order, to dismantle the "pipeline to prison."

In this Third Interim Report, we look at how the former Carver Academy students are faring in IRSD schools and hone in on how the district is tackling the issues of Diversity, Equity, and Inclusion; Graduation, and Disciplinary Exclusions, as noted above. We also look at concerns and roadblocks that occurred during the past six months.

## Observations and Findings

### Part I

#### Problems and Concerns

**Has the district increased its transparency in determining policy and procedures?**

**Has the district been open to the Special Master's input and recommendations?**

To be effective, the work of the Equity working group needs to align with and support the work being done under the Consent Order. The Consent Order needs to be visible within the district. Initiatives around the strategic plan, the equity work group, graduation and disciplinary exclusions must be interwoven in order to be effective.

This past Winter I raised concerns regarding IRSD's openness to my input and participation and perhaps a lack of understanding of the above. IRSD had identified a steering committee comprised of representatives from its various schools to develop a strategic plan that focuses on equity. When I asked to be included as a member of the group and be involved in the planning of its direction, I was met with resistance.

In early February, I called a meeting of IRSD administrators with plaintiff's and defense legal counsel and me to ensure that I would be involved in the work of this group; to highlight the need for the work to be aligned; and, for the Consent Order to be visible within the district. As an outcome of that meeting, I am now included in the IRSD work groups on equity to share recommendations. I am able to share the connection of that work to the Consent Order. It should not have taken that level of concern to make that happen, however, that meeting did move us forward.

Over the past several months, I requested the district develop plans to address disparities in Graduation rates and Disciplinary Exclusions. I initially met with resistance in getting a meeting with IRSD school principals and assistant principals to ensure they are aware of the disproportionality of disciplinary exclusions by race and the disparities in graduation rates. I now have a commitment from upper-level administration to meet with principals and assistant principals this month. There is agreement that this is not to be a once and done event, and there will be ongoing discussion and planning to eliminate bias in disciplinary determinations, to reduce disciplinary exclusions, and improve graduation rates.

After discussion and highlighting its importance, the district has identified initial steps to move forward and develop a plan to improve the graduation rates of black students and Hispanic students. Since the early February meeting, I am seeing more openness to change and to tackling these important issues in a systematic manner. I continue to push on these issues and will again invite counsel and administration together and report to the court if I see any further lack of cooperation

### **Lack of transparency in decision making**

One of our Community Advisory Board members who was concerned about COVID and getting children back in school for in-person learning raised a concern in April 2021. That member questioned the district's rationale for one school, whose enrollment is 87% white to bring its students back an additional day every other week. This advisory board member raised the issue of equity and fairness for all other students in IRSD who did not have that same opportunity and whose schools are much more racially diverse. This board member made a statement at the April 26, 2021 IRSD School Board meeting. In follow up, several members of the Community Advisory Board met with the superintendent to advance these concerns. Ultimately, the Special Master shared a statement of concern with the school board on April 26, 2021. The board then took action at its April 26, 2021 meeting to extend the same in-school opportunities to all students in the district beginning May 5, 2021.

See Appendix A for the statement made to the board by the Special Master.

## **Part II**

### **Closing the Carver Center and Establishing New Supports and Services**

The Carver Academy Program is closed. Its closing fulfilled a basic requirement of the Consent Order. At this writing, two former Carver Academy students are enrolled in the High Road School Program, a separate program operated by High Road Schools in Georgetown, DE. Some students left/moved from the district or graduated. All other former Carver Academy students were transitioned to programs in district schools, most are in their home schools. New support services were established and an IRSD administrator assigned to oversee the provision of support services. Appendix B contains a breakout of the current placements of former Carver Academy students.

### **Has a new purpose been established for the former Carver Academy Space?**

The space used for the Carver Academy Program in the G.W. Carver Center has not yet been re-purposed. There was some discussion of IRSD utilizing that space for a remote learning academy in the future, however, no specific proposal has been presented.

### **Are former Carver Academy students attending school? Are they receiving support services?**

Students are enrolled and most are attending. The COVID restrictions provide for all families to choose whether to keep students at home and receive remote only instruction or to attend some days in-school for a hybrid program of 2 or more days per week. Only one of the former Carver students is unaccounted for and not enrolled, the district has referred that issue to truancy court. At this point, the district reports that overall, 74% of its students are in hybrid status and 26% are totally remote. Most students in hybrid status were in school on Monday and Tuesdays (A group) or Thursdays and Fridays (B group). Some attend for additional days.

Based on discussion with their teachers and principals, the former Carver Academy students who are in totally remote status have lower attendance and participation rates and that impacts their

school performance. District administrators reported a number of strategies to get assignments to students and go to their homes to provide some support.

I attempted to observe each student at least once, in-person in the school or while they were in remote status/online, in order to prepare this report. I also talked with their teachers and principals. Repeated visits to some schools resulted in my not being able to observe three of the students. For one high school student there was confusion each time I visited as to her whereabouts.

I observed some former Carver Academy students in remote status on Zoom. I did not observe any student on Homebound Instruction. During many observations the teachers were teaching some students in person, while the remote students were participating via Zoom. I was able to observe the student(s) in the High Road School on each visit.

On my May 4, 2021 visit, we went to the former Richard Allen School in which the First Day Community Action Network is providing a daily program for students from the community who are in remote status to provide support for their remote-online school participation. One of the Community Advisory Board members is a volunteer.

**Are the former Carver Academy students integrated into their schools? Are they in age-appropriate settings? Is IRSD committed to the students' inclusion and success? Are former Carver students receiving the support services they need?**

This is a fascinating and important aspect of this report. While in the Carver Academy, the students were in a "D" setting, the State of Delaware's term for a separate school. Only two former Carver students are currently in a "D" setting. See Appendix B

Appendix B provides a breakout of the Settings of former Carver students. Four are in general education for the entire day with positive reports on their attendance, behavior, and academics. Eight are in Setting B, a mix of special education and general education classes. Seven are in Setting C, a special education setting with enhanced support services and easing gradually into general education with support. And, as noted, two are in Setting D, a separate school.

#### **Observations:**

- It is clear that closing the Carver Academy Program was the right thing to do. The vast majority of former Carver Academy students are doing well in regular schools with the needed support services.
- I observed some former Carver students in general education classes and in Intensive Learning Center (ILCs) programs within district schools. The students I observed are being included.
- I met with the school principals and assistant principals in each of the schools in which former Carver students attend. The principals appear to know the students, are involved in their IEP meetings, and aware of the supports the students are receiving.
- My observations indicate that the schools are taking ownership of the students as full members of their school and the district is providing the supports they promised.
- All the students I observed are in age-appropriate settings.

- The new and enhanced behavioral supports are available to all students in the district and being utilized.

### **Are former Carver students making progress in their academics and behavior?**

As I follow the 31 former Carver students, the observations are less about data, and more about each student's story, best told anecdotally. Appendix B provides examples of seven former Carver Academy students. The district provides me with detailed monthly reports on each student to support my in-school observations. For purposes of confidentiality, those detailed reports are not shared in this document. The anonymous examples in Appendix B show levels of student progress in their academics and behavior.

The progress of some students is apparent. I was able to observe a real success story at East Millsboro Elementary. This former Carver student has been participating in a hybrid model, two days in school and two days remote. This student has made significant academic and behavioral progress, is in a special education setting and easing into some general education classes with support. The teacher and principal were pleased with the progress that was evident in the observation.

A few students had behavioral problems and incidents and the district has been open in discussing those issues. There are a few students in remote status/all online who appear to be regressing as noted earlier. I plan to continue to follow all the former Carver students through the end of the school year, Summer and next school year.

### **What Recovery Services will these students receive?**

The district has shared with me its overall plans for determining the need for Recovery Services and plans to provide those services. Those services are based on the individual student's progress and any regression that has occurred. At this point, I am not clear on exactly what will be provided for each former Carver student throughout the Summer and next school year..

## **Part III**

### **Community Advisory Board**

The Community Advisory Board met December 10, 2020 and March 18, 2021. Meetings have been held in the evening, via Zoom. There are several new members on the advisory board since the November 6, 2020 report. The revised list of advisory board members is enclosed in Appendix C. There are currently eleven members of the Community Advisory Board. The board will meet in-person for the first time on June 10, 2021 at 4:30 p.m. at Millsboro Middle School.

As noted previously, a number of the advisory board members joined a meeting to share concerns with district administration regarding the decision making regarding the return of IRSD students to in-school instruction. The board will have the opportunity to share thoughts on the IRSD's work on Equity and plans related to Graduation and Disciplinary exclusions.

The Consent Order required survey for all stakeholders is a future advisory board item. The board has already recommended that the district not use a simple online survey, but that the district reach out to the community for input.

## Part IV

### **Disciplinary Exclusions and Disproportionality** **Racial and Ethnic Differences in Graduation Rates**

In my second report, I noted the need for the district to focus its efforts on Diversity, Equity, and Inclusion with progress to be measured, in part, by annual data on disciplinary exclusions and graduation rates. The district was cooperative in compiling data reports related to racial disparities in Special Education enrollments, disciplinary exclusions, and graduation rates and the data clearly show the district has challenges to overcome in these areas. The district willingly shared those reports with our Community Advisory Board. Current data reports are available in my Second Interim Report. There is an understanding that these data will be updated annually to measure progress.

Appendixes C and C-1 of the Second Interim Report include the data reports that show these disparities.

Most striking data points are: the differences in graduation rates between white students and black students and between white students and Hispanic students; and, the high rate of disciplinary exclusions of black students compared to white students. These disparities support the rationale to focus on Diversity, Equity, and Inclusion; Disciplinary Exclusions, and Graduation. These disparities underscore the importance of transparency in what is occurring in the district.

#### **Graduation Rates**

- The district has committed to developing a plan to improve graduation rates and is open to utilizing the expertise of community agencies who have shown success in helping other school districts improve their graduation rates and outcomes for students.
- The first outline of this plan was received April 30, 2021. I look forward to moving this initiative forward.
- Updates will be shared with legal counsel and the Community Advisory Board to seek their recommendations.

#### **Disciplinary Exclusions**

- The district has committed to the Special Master meeting with its principals and assistant principals to review the data and address the racial disproportionality of disciplinary exclusions.
- In our meeting today, the agenda was developed for the initial administrator meeting to be held May 21, 2021. And, a general plan was agreed to that will support each principal addressing this in their annual goals.
- Updates will be shared with legal counsel and the Community Advisory Board.

Not examined or reported on at this time are: ; Increased Career & Tech Opportunities; System of Progress-Monitoring, Reading, Data Collection; Reading Review of all K-3 Students; and Monthly Family Events.

Signed: *Linda O. Rhen*/S/ Special Master for the Carver Consent Order – May 6, 2021

