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**Beaufort County School District
Title VI Desegregation Plan Agreement**

I. Introduction

This Agreement follows at least forty years of effort by the Beaufort County School District ("District") and the Beaufort County Board of Education ("Board") to comply fully with the system's obligations under Title VI of the Civil Rights Act of 1964 ("Title VI") and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution by overcoming the effects and eliminating all vestiges of the prior de jure racially-segregated public school system in Beaufort County. The District believes this Agreement will continue these efforts and substantially contribute to its finally achieving the goal of eliminating the vestiges of the prior racially-segregated school system.

In 1970, the District and the Federal Department of Health, Education, and Welfare's Education Branch Office for Civil Rights (later the Department of Education's Office for Civil Rights) ("OCR") agreed on a school desegregation plan ("Plan") for the District to achieve compliance with Title VI. This Plan has been updated and amended over the past forty years. Consequently, the Plan has been, and continues to be, an evolving or dynamic document. At its core, the Plan represents the District's recognition of its obligation and commitment to the complete desegregation of its schools, which includes eliminating, to the extent practicable, the vestiges of the prior de jure racially-segregated school system; the racial identity of each school in the District; and otherwise ensuring the comparability of all aspects of operations, facilities, and services at each District school.

As recognized in the various amendments to the Plan, complete desegregation of the District's schools requires that decisions concerning student assignments, school attendance zones, faculty assignments, and school site selections not just avoid or minimize to the extent practicable racial isolation of students and the perpetuation or reintroduction of vestiges of the prior racially-segregated school system, but continue the District's efforts to desegregate fully its schools. As part of these obligations, the District must determine whether decisions affecting the assignment of students can be made in a way that furthers desegregation. This Agreement amends the Plan to reflect the system's continued commitment to meeting these desegregation obligations to its students and communities while taking into consideration the provision of quality educational and related services and programs. This plan amendment, therefore, sets out the steps the District will follow to ensure compliance with the Plan and Title VI. In addition, this Agreement addresses the District's current obligations under Title VI regarding student assignment.

II. General Principles

A. For all decisions regarding school construction, alteration, grade reorganization, or attendance zone changes, the District will not use criteria that either (1) intentionally create schools that are identifiable by their student enrollments, faculty assignments, or other factors as schools for students of a particular race or national origin, or (2) have a disparate, adverse effect upon students of a particular race or national origin, so as

to create segregated school environments, without both a substantial, legitimate educational justification for the criteria and an informed determination by the District that no comparable alternatives would serve its substantial legitimate educational justification but without the same segregative effects.

B. Nothing in this Agreement shall be understood to minimize or deviate from the District's commitments under the 1970 Plan and its amendments, where applicable. The District understands that OCR considers the District's decisions that cause African-American or White enrollments to exceed the District's average by more than 15 percentage points as raising threshold concerns about compliance with the Plan.

C. To ensure consistent implementation of the Plan, including the amendments made to the Plan by this Agreement, the District will provide training on its requirements and Title VI as part of the orientation for all new Board of Education members.

III. Specific Actions

The District has made and/or is in the process of making numerous decisions affecting the student racial composition of its schools for the 2009-10 and 2010-11 school years including:

- consolidation/restructuring of James J. Davis Elementary School;
- rezoning of Shanklin Elementary School and nearby schools;
- rezoning of the Bluffton area schools; and
- the opening of Whale Branch Early College High School.

These decisions implicate Title VI and the Plan, and this Agreement specifically updates the Plan and addresses the District's compliance with Title VI with respect to these decisions.

A. Consolidation/Restructuring of James J. Davis Elementary School and Whale Branch Elementary School

The District has restructured and consolidated elements of these two schools for the 2009-10 school year. The students at the two schools now go to the Whale Branch Elementary School, the James J. Davis Early Childhood Education Center, or Whale Branch Middle School. The James J. Davis Early Childhood Education Center also houses a number of Head Start and other pre-kindergarten programs. While the merger was intended to improve educational opportunities for students, it resulted in the continued concentration of low income, minority students in schools that are more racially identifiable than before the merger and/or than projected to be:

SCHOOL	2008-09		SCHOOL	2009-10 Projections		2009-10 Actual	
	% African-American	% White		% African-American	% White	% African-American	% White
JJDES	96	2.4	JJDECEC	80.6	9.7	87	6.6

			(pre-K/K)				
WBES	70.1	21.4	WBES (grades 1-4)	85.8	10.6	85	10.7
WBMS	81.6	14.5	WBMS (grades 5-8)	73.6 (5 th gr. only)	23.1 (5 th gr. only)	82.7	14.5

To ensure these children receive appropriate educational support in the most integrated setting feasible, the District will take the following actions:

1. Within 30 school days of receiving 2009-10 state assessment data, the District will evaluate the implementation of its Whale Branch Elementary School Accelerated Learning plan and the Memorandum of Agreement, including the Palmetto Priority School Plan of Action, with the South Carolina Department of Education. By that same date, the District will provide OCR with the results of its evaluation and supporting documents including whether the District and Whale Branch Elementary School have met Student Achievement Goals 1 and 2 in the Palmetto Priority School Plan of Action.¹ The District will also provide OCR with copies of all evaluations or monitoring reports by the South Carolina Department of Education regarding the Memorandum of Agreement and the Palmetto Priority School Plan of Action.

2. If the District does not meet Student Achievement Goals 1 and/or 2 in the Plan of Action and/or is unable to fully implement the strategies included in the Plan of Action during 2009-10, the District will revise its school improvement plans to include additional and substantial efforts to improve student achievement and related school performance for the outcomes not achieved during 2009-10 and such other areas identified as educational needs during 2009-10.

a. For purposes of this paragraph, the District's substantial and additional efforts shall include consideration by the administration during the 2010-11 school year, based on consultation with qualified experts and all necessary data, of all feasible options to provide kindergarten through fifth grade students enrolled in Whale Branch Elementary School, the James J. Davis Early Childhood Education Center, and Whale Branch Middle School with substantially increased school and classroom integration with (1) students from more diverse socioeconomic backgrounds, (2) higher-achieving students, and (3) students who will reduce the

¹ Goal 1: "70% of students will meet annual growth [in English Language Arts] as defined by the Northwest Evaluation Association research studies"; and Goal 2: "70% of students will meet annual growth [in Mathematics] as defined by the Northwest Evaluation Association research studies."

racial isolation of the merged schools. The District's consideration shall include, but not necessarily be limited to, a range of student assignment techniques including, for example, attendance zone changes, pairing and clustering of schools, choice, and the use of magnet programs. The District's considerations will be made in writing and shall include all options and facts considered.

b. The Board of Education will implement for the 2011-12 school year any feasible options that further racial, social, and achievement integration and further the District's goal to improve the achievement of the students in these three schools and incorporate that option into its revised school improvement plans. If the Board of Education concludes that there are no workable options, it shall document the factual basis for that conclusion.

3. Within 45 school days of receiving the 2009-10 state assessment data, the District will submit to OCR revised school improvement plans and a record of its consideration of options.

4. After 2010-11, if the District has not already done so, it will consider and implement the alternatives, if any, specified in paragraph 2b. and document its actions to OCR by a mutually acceptable date to be determined by OCR and the District.

5. Within 30 school days of receiving the necessary data, the District will report to OCR on whether Whale Branch Elementary School has made Adequate Yearly Progress as defined by the No Child Left Behind Act. If this school has not made Adequate Yearly Progress for 2010-2011, or made significant improvement towards achieving Adequate Yearly Progress, the provisions of paragraph 2 above will apply, with school year 2011-12 as the planning year for implementation during the 2012-13 school year.

6. Within 45 school days of receiving the necessary data, the District will submit to OCR revised school improvement plans and a record of consideration of its options.

7. After 2011-12, if it has not already done so, the District will consider and implement the alternatives, if any, specified in paragraph 2b. and will document its actions to OCR by a mutually acceptable date to be determined by OCR and the District.

OCR will review any revised improvement plans and approve, modify, or reject the improvement plans within 45 calendar days of receipt of the District's submission of the documents.

B. Rezoning of Shanklin, Broad River, Shell Point, and Beaufort Elementary Schools

The Board revised the attendance zones for Shell Point Elementary School, Shanklin Elementary School, Broad River Elementary School, and Beaufort Elementary School, effective with the opening of school for 2009-10, which increased the racial identifiability of Shanklin Elementary School.

Accordingly, the District will take the following actions:

1. On or before January 15, 2010, the District will conduct a study of the feasibility of student assignment decisions to reduce the racial identifiability of Shanklin Elementary School effective for the 2010-11 academic term. The study will reconsider the decisions that took effect in 2009-10, as well as any subsequent developments affecting the racial composition of Shanklin Elementary School, set out the various alternatives considered, the reasons why they are or are not feasible, and the District's recommendations for further action. The administration's consideration of alternatives shall, to the maximum extent possible, be done in a manner that facilitates implementation of the Plan, including this plan amendment. The District will submit this study to OCR by January 29, 2010. OCR will review the study and approve, revise, or reject the recommendations within 30 calendar days of receipt of the District's submission of the study.

2. Should OCR and the District determine that any such feasible alternatives exist, the District will select an alternative for implementation for the 2010-11 school year, subject to OCR's review and approval under the Plan. The District will provide all former Shanklin Elementary School students, who attended Broad River Elementary School in 2009-10 pursuant to the rezoning, the option to remain at their current school with transportation provided. The District will provide OCR with notice of the alternative adopted by March 12, 2010, and documentation regarding the implementation of the alternative within the first nine weeks of the 2010-11 school year.

C. Bluffton Rezoning

The District's decisions regarding the rezoning for the opening of Red Cedar Elementary School resulted in the student population at Okatie Elementary School becoming more White and less African-American, causing concern that it is becoming racially identifiable as a White school. In addition, the rezoning resulted in Red Cedar Elementary School opening as a predominantly Hispanic school.

Accordingly, the District will take the following actions regarding the enrollment of Okatie Elementary School to ensure that there are no less segregative alternatives for Red Cedar Elementary School and other Bluffton schools, including as to Hispanic students:

1. By January 29, 2010, the District will examine attendance zones in the Bluffton area for the 2010-11 school year to finalize the rezoning necessary to open the new Pritchardville Elementary School and ensure that the assignment of students to all Bluffton area schools complies with Title VI. This process will include reconsideration of the attendance zones created for 2009-10 and the possible consequences on the enrollment of the Bluffton middle schools.

2. The rezoning of Bluffton schools will further the desegregation of African-American and White students in compliance with the Plan, as amended, to the extent practicable. In particular, the District will affirmatively consider and adopt practicable student assignment alternatives identified to reduce or eliminate the identifiability of Okatie Elementary School as a building for White students. If the District determines that no such options are practicable, it will so advise OCR and provide supporting documentation.

3. This review will further focus on application of the General Principles stated above in relation to the assignment of Hispanic students. In particular, the District will configure the Bluffton attendance zones in order to minimize large concentrations of Hispanic students and their racial isolation to the extent feasible while also meeting the District's other legitimate educational needs.

4. The District will provide OCR with final proposed attendance boundaries for the Bluffton area for its review and opportunity for approval by January 15, 2010. OCR will advise the District of its determinations no later than February 16, 2010.

5. Should OCR and the District determine feasible alternatives exist, the Board will select an alternative for implementation for the 2010-11 school year, subject to OCR's review and approval under the Plan. The District may elect to give all students who wish to continue to attend the schools to which they were assigned in 2009-10 an option to remain at their current schools with transportation provided.

6. The District will provide OCR with notice of the alternative adopted, if any, by March 12, 2010. The administration will

supply OCR with documentation regarding the implementation of the alternative within the first nine weeks of the 2010-2011 school year.

D. Whale Branch Early College High School

The District anticipates that Whale Branch Early College High School will open for the 2010-11 school year. Absent specific actions by the District, the location of Whale Branch Early College High School will likely result in a predominantly African-American student enrollment. To avoid and/or minimize the adverse effects of creating a racially- identifiable school with a racially-isolated student population, the District will take the following actions:

1. On or before January 22, 2010, the District shall develop and submit for OCR's review and opportunity for approval a comprehensive implementation plan (WBECHS Plan) prior to the commencement of 2010-11. The WBECHS Plan shall detail the actions to be taken to implement this plan amendment including student assignment, faculty and staff recruitment and assignment, educational curriculum and program development and selection, availability of extracurricular activities, and other steps to meet the terms of this plan amendment and further the complete desegregation of the District. The WBECHS Plan shall include a process and timetable for:

a. Establishing the attendance zone for WBECHS, which shall include consideration of the feasibility of incorporating areas that were not part of the 2008-09 Whale Branch Middle School attendance zone in order to select a zone that will further desegregation.

b. Identifying and implementing programs, curriculum, and extracurricular activities that are aligned with research on effective high school improvement, completion, and drop-out programs.

c. Conducting a survey of District middle-school students and their families to assess levels of interest in academic, career, technical, and other educational programs, which will be developed with the assistance and support of OCR.

d. Assessing the feasibility of offering programs at WBECHS, particularly including unique and high demand programs that would be most likely to attract White and other non-African-American students from outside WBECHS' attendance zone.

e. Assessing which career and technical programs will be most needed in Beaufort County based on information including credible local job growth projections, and subsequently, developing high quality career and technical programs at WBECHS consistent with that assessment.

f. Exploring a relationship with the Technical College of the Lowcountry or other appropriate institutions of higher education whereby WBECHS could offer academic and technical courses for college credit, which would serve the needs of students in the attendance zone and attract White and other non-African-American students from outside that zone.

OCR will review the WBECHS Plan and approve, revise, or reject the document within 30 calendar days of receipt of the District's submission of the WBECHS Plan.

2. The District shall provide free transportation to students who live outside WBECHS' attendance zone and choose to attend the school.

3. The District shall ensure that WBECHS' core facilities, faculty and staff, and other resources and programs, including extracurricular activities, are at least comparable to those offered at other public high schools within Beaufort County. By April 15, 2010, the District will submit to OCR verification that WBECHS' core facilities, faculty and staff, and other resources are at least comparable and that WBECHS will offer comparable extra-curricular activities as its sister schools.

4. The District will permit seniors attending its other high schools at the time when WBECHS opens to remain in those schools.

5. The District recognizes the increasing racial and ethnic diversity of its students including the significant growth in the enrollment of Hispanic students. In developing the educational programs for WBECHS, the District will consider whether those programs would be attractive to students in the Hispanic community.

6. Prior to adopting an attendance zone for WBECHS and consistent with the timetable in the WBECHS Plan, the District shall provide a report to OCR describing the proposed attendance zone, how the zone will affect enrollments at District schools by race, and why the District proposes the particular attendance zone. This report also shall include a description of alternative attendance zones considered by the District, how those zones

would affect enrollments at District schools by race, and the District's reasons for rejecting those alternate zones.

7. Prior to deciding on the educational programs to be implemented and consistent with the timetable in the WBECHS Plan, the administration shall provide a report to OCR describing the programs to be implemented at this site and verifying that the core programs are comparable to those offered in the District's other high schools. The report shall include the process used to identify the core and non-core programs to be offered at the WBECHS, projections as to their impact on enrollment at the school by race, and why the particular programs were selected. The report will further include a description of alternatives considered by the District, how those alternatives would impact enrollment at the school by race, and the District's reasons for rejecting those alternate programs.

8. Four weeks prior to the start of the 2010-11 school year, the District shall provide OCR with a report regarding the projected enrollment at WBECHS by race and grade. The report shall also indicate what portion of the school's enrollment, by race and grade, resides within WBECHS' attendance zone and what portion is transferring to the site from another District school.

The District understands that the forgoing actions are critical to its compliance with Title VI and its Plan, and that failure to carry-out these actions will result in OCR's likely disapproval of the opening of WBECHS.

IV. Other Provisions

Consistent with the mandate of Title VI, the Plan expressly provides that all facets of the operation of the District, including employment, will be conducted on a racially non-discriminatory, non-segregated basis. The District recognizes that the racial composition of administrators, faculty, and staff can be a significant indicator of, or contributor to, the racial identifiability or educational comparability of a school, as well as of the racial isolation of a school's students, and has taken steps to ensure this does not occur. In a continued effort along these same lines, the District will take the following actions:

A. The District will continue to recruit, select, and assign administrators, faculty, and staff in a manner that ensures its operations are consistent with the District's obligations under the Plan and Title VI.

B. In so doing, the District will assess annually whether the racial composition of administrators, faculty, and/or staff at each school, in conjunction with the racial composition of the student body at the school, contributes to the racial identifiability or isolation of the school, and if so, will develop and implement a plan to address such racial identifiability or isolation as appropriate.

C. The District will provide OCR with an annual report on or before December 15 containing (a) the number of administrators, certified staff members, and classified staff members by race at each school; (b) the administration's assessment of whether the racial composition of administrators, faculty, and/or staff at any school, in conjunction with the racial composition of the student body at the school, contributes to the racial identifiability of the school or isolation of its students; and (c) a detailed plan to address the effect of faculty/staff assignments on any such racial identifiability or isolation.

D. The District will furnish OCR with all data and other information needed to evaluate compliance with the Plan and this Agreement, and OCR will reasonably identify to the District what information is needed and the reason why it needs the information along with reasonable deadlines for submission. The administration will make its staff available to OCR on a reasonable basis upon request, and OCR will make its staff available to the administration on a reasonable basis to provide technical assistance to the District upon request.

E. As set out in the original Plan and subsequent amendments, the District will provide OCR with notice and an opportunity for review and approval of any future school construction, alterations, grade reorganizations, or attendance zone changes that may affect the racial composition of schools, so OCR can advise whether they are consistent with the Plan and Title VI.

F. The District understands that its obligations under, and the specific terms of, the Plan and the amendments to the Plan contained in this Agreement will be continuing from year to year, unless otherwise stated, until the United States Department of Education or a court of competent jurisdiction determines that the District has achieved unitary status. In the 2014-15 school year, the District will assess whether it has completed the desegregation of its schools or otherwise eliminated the vestiges of the prior de jure racially-segregated school system to the extent practicable. The District will involve OCR in this review process, and as appropriate, submit an updated desegregation plan or plan amendment designed to complete the desegregation of its schools and be declared unitary as soon as may be practical.

This Agreement, including the amendments to the Plan, is hereby approved on behalf of the District by the Board of Education.


Fred S. Washington, Jr., Chairman
Beaufort County Board of Education

January 19, 2010
Date


Alice B. Wender, Director
D.C. Enforcement Office
Office for Civil Rights

January 26, 2010
Date