

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**SOUTH BEND COMMUNITY
SCHOOL CORPORATION, *et al.*,**

Defendants.

S80 - 0035

JOINT MOTION FOR APPROVAL OF STIPULATION

The parties to this action, through undersigned counsel, jointly move the Court for an order approving the attached Stipulation of August 6, 2010 ("Stipulation"). The Stipulation authorizes the operation of the Early College Program to be housed in the Studebaker building beginning with the 2010-2011 school year.

The South Bend Community School Corporation (the "District") began implementing an Early College Program during the 2009-2010 school year. The Early College Program, which is open to students throughout the District, is designed to encourage early college enrollment for disadvantaged students. *See* Attachment A (program description). The Early College Program was housed last school year at Riley High School.

The District plans to move the Early College Program to the Studebaker building and hire a separate administrator for the program, beginning with the 2010-2011 school year. The District plans to move the program to Studebaker for three reasons. First, it will allow the District to improve the instructional program. Second, it will facilitate the expansion of the

Early College Program. Third, it will create additional space at Riley High School. Finally, because of the proximity of the Riley and Studebaker buildings, students in the Early College Program will continue to have the full spectrum of fine arts, extracurricular and athletic opportunities at Riley High School available to them.

The racial composition of the enrollment of Riley High School is within the guidelines of the Consent Decree. *See* Attachment B. The racial composition of the enrollment of the Early College Program is also within the guidelines and its racial and ethnic composition is very similar to Riley's. *Id.* Moving the Early College Program to Studebaker will have no adverse affect on the District's compliance with the Consent Decree and will enhance the overall educational opportunities for high school students in South Bend. *Id.*

The parties thus agree that operating the Early College Program in the Studebaker building is consistent with the District's obligations under the Consent Decree and the prior stipulations and orders in this case and is an appropriate modification of amended Plan Z. Therefore, the parties respectfully request that the Court approve the Stipulation.

Dated this 6th day of August 2010.

Respectfully submitted,

s/John R. Moore, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of August, 2010, the foregoing was filed electronically and that a copy was served upon the following by electronic filing or United States first-class mail, postage prepaid:

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STIPULATION

For the reasons stated in the Joint Motion, the parties, through their undersigned counsel, do hereby stipulate that the District may operate the Early College Program in the Studebaker building beginning with the 2010-2011 school year.

Dated this 6th day of August 2010.

Respectfully submitted,

s/John R. Moore, Esq.

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Attachment A

WHAT IS AN EARLY COLLEGE HIGH SCHOOL?

Early College High Schools are small schools where students can earn both a high school diploma and up to two years of college credit or an Associate's Degree. Each student has a personalized education plan that reflects the educational experience of that student to date. Students experience authentic college experiences early in their high school years that culminate by taking courses on the college campus. This experience both motivates students while in high school and eases the transition to college.

The students who attend an Early College High School are students who are the first to attend college in their family, students whose educational progress does not have them on track to meet college entrance standards, students for whom the cost of college is prohibitive, students of color and English language learners, most often underrepresented on college campuses today. According to the early college high school data collected in fall, 2007, there are more than 130 early college high schools across the United States in 24 states. At that time, over 16,000 students were attending Early College High Schools with total populations up to 400 in grades 9 – 12. Most schools we visited have graduation rates of 94% or higher which greatly surpasses the graduation rate of the traditional high school. The Bill & Melinda Gates Foundation is sponsoring the Early College High School Initiative in partnership with the Carnegie Corporation of New York, The Ford Foundation and The W.K. Kellogg Foundation all of which is coordinated by Jobs For The Future. More information can be found at the early college high school website: www.earlycolleges.org.

Early College High Schools will not only incorporate the latest technology but relevance and rigor as students complete assignments which reflect best practice instructional methods such as project-based learning and differentiated instruction. Early College High Schools provide student support systems enabling every student to accomplish mastery and success in their coursework. The students are supported in their academics, their career choices, their personal needs, character development and their goal planning.

Early College High Schools partner with parents, community, colleges/universities, business and public agencies in an effort to develop and sustain the students. As a result of these alliances, students come to understand the important role they have in their education and they learn the benefits of planning for their future. To make this planning process more directed toward this goal, there are seven Core Principles of Early College High School that should be implemented to guide the process:

- Students completing early college high schools graduate with a high school diploma and up to two years of college credit.
- Early college high schools establish the enabling conditions necessary to prepare students for success in a rigorous, well-structured academic program leading to high school graduation and up to two years of college credit.
- Early college high schools provide comprehensive students' supports based on students' academic and social needs.
- Early college high schools demonstrate effective instructional practices.
- Early college high schools establish and institutionalize strong secondary/post secondary partnerships to ensure students success.
- Early college high schools engage students, parents, community, business and public agencies in developing and sustaining the schools.
- Early college high schools develop plans for long-term sustainability.

Attachment B

SOUTH BEND COMMUNITY SCHOOL CORPORATION

James M. Kapsa, Superintendent

Myrtle C. Wilson, Ed.D., Deputy Superintendent

Enrollment data for Riley High School

Without

Early College High School Students

Riley High School – as of November 1, 2009

Enrollment	# Black	% Black	Compliance	Average % Black
1414	376	26.6	Yes	35.1

Riley 2010-11 – projected enrollment minus Riley students in Early College High School

Enrollment	# Black	% Black	Compliance	Average % Black
1335	352	26.4	Yes	35.1

SOUTH BEND COMMUNITY SCHOOL CORPORATION

James M. Kapsa, Superintendent
Myrtle C. Wilson, Ed.D., Deputy Superintendent

Enrollment Projections for
Early College High School

Early College High School:

The following projections are based on the planned maximum of 400 students in the Early College High School. The projected number of new students is 113 in 2011-12 and 111 students in 2012-13. These numbers reflect the number of new enrollments needed to achieve the target maximum of 400.

2010-11

Enrollment	# Black	% Black	Compliance	Average % Black
176	56	31.8	Yes	35.1

2011-12

Enrollment	# Black	% Black	Compliance	Average % Black
289	92	31.8	Yes	35.1

2012-13

Enrollment	# Black	% Black	Compliance	Average % Black
400	127	31.8	Yes	35.1