

Elk Grove Unified School District
Docket Number 09-11-5002
Resolution Agreement

Background

OCR initiated the above referenced compliance review to evaluate the Elk Grove Unified School District's (District) compliance with Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. Part 100. The compliance review assessed whether African-American students are provided equal educational opportunities to participate in the District's Gifted and Talented Education (GATE) programs, honors and Advanced Placement (AP) courses in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3. To resolve the compliance issues identified by OCR, and without admitting any violation of law, the District agrees to take the steps described in this Resolution Agreement (Agreement).

Prior to entering into this Agreement, the District commenced initial work on effective measures to promote equitable identification of and participation by African-American and other students in GATE, honors, and advanced placement courses, including data review and analysis; review of identification and selection criteria and procedures; review of honors and AP prerequisites for consistency; providing staff more information regarding these program opportunities and procedures for inclusion; and a significant new effort to identify additional GATE students and to promote awareness by parents.

Pursuant to this Agreement, the District agrees to take the following additional measures to further implement these efforts to ensure equal opportunities for all students.

I. Equity Consultant

- a. The District will retain a consultant (Equity Consultant) with expertise in addressing the underrepresentation of African-American students in GATE programs, honors, and AP courses to assist the District in ensuring that all students are provided with equal access to and an equal opportunity to participate in the District's GATE program, honors, and AP courses. The District will select the Equity Consultant and will communicate directly with the Equity Consultant regarding all matters related to this Agreement. The District will consult with the Equity Consultant on a good faith basis but is not required to adopt all recommendations or suggestions of the Equity Consultant. The District understands that OCR may also communicate with the Equity Consultant directly regarding this Agreement.
- b. Reporting Requirement: By May 1, 2014, the District will provide confirmation to OCR that it has retained an Equity Consultant.

II. Review and Assessment

- a. By September 30, 2014, the District, in consultation with the Equity Consultant, will complete a review and assessment (“Review and Assessment”) of its GATE program, including the District’s current GATE program eligibility criteria, middle school advanced and honors courses and high school honors and AP courses, including their eligibility criteria. At a minimum, the District will:
 - i. review the District’s enrollment data in its GATE program, middle school honors courses, and high school honors and AP courses to determine the extent to which African-American students continue to be identified and selected at lower rates compared to their representation in the enrollment of their respective schools;
 - ii. review the District’s enrollment data in its GATE program, middle school honors courses, and high school honors and AP courses, including trend data, specifically considering the relationship between the GATE program and middle school advanced and honors courses and enrollment in high school honors and AP courses;
 - iii. review the District’s enrollment data in the Advancement via Individual Determination Program (AVID), including trend data, specifically considering the relationship between participation in AVID and enrollment in high school honors and AP courses;
 - iv. review and assess eligibility and selection criteria for enrollment in the District’s GATE program (including use of the multi-factor eligibility Matrix), middle school honors courses and high school honors and AP courses;
 - v. review and assess any other potential barriers to increased participation by African-American students in the District’s GATE program, middle school honors courses and high school honors and AP courses including, but not limited to:
 1. the number and subject matter of such course/program offerings;
 2. participation (or lack of participation) in such courses/programs;
 3. any District enrollment, registration or other policies and procedures related to enrollment in such courses/programs;
 4. teacher training to teach such courses/programs;
 5. communication and outreach to students and parents/guardians about these courses/programs;
 6. advertisement of such courses/programs;
 7. early awareness on the part of parents/guardians/students of the relationship between the elementary school/middle school curriculum and the high school curriculum;
 8. support services for students enrolled in, or preparing to take such courses/program; and,
 - vi. recommend modifications to eligibility and selection criteria that are based on best practices.

- b. Reporting Requirement: By September 30, 2014, the District will provide confirmation to OCR that it has completed the Review and Assessment as described above, and will provide OCR with a copy of the results of the Review and Assessment.

III. Report and Recommendations

- a. By December 15, 2014, the District, in collaboration with the Equity Consultant, will analyze the results of the Review and Assessment.
- b. By December 15, 2014, the District will produce a written report summarizing the results of the Review and Assessment and any recommendations made in response thereto, including any recommended modifications of eligibility and selection criteria for participation in the District's GATE program, middle school honors courses and high school honors and AP courses, in order to facilitate the District's efforts to provide all students with equal access and an equal opportunity to participate in such programs and courses.
- c. Modifications to the eligibility and selection criteria for participation in the District's GATE program, middle school honors courses and high school honors and AP courses that are recommended by the District shall be reviewed and approved by OCR.
- d. Reporting Requirement: By December 15, 2014, the District will provide OCR with a copy of the written report and recommendations for review and approval.

IV. Eligibility and Selection Criteria

- a. By January 31, 2015, the District shall commence utilization of the modified eligibility and selection criteria for participation in the District's GATE program, middle school honors courses and high school honors and AP courses.
- b. By January 31, 2015, the District shall update relevant print and on-line publications to include the modified eligibility and selection criteria and shall disseminate the modified eligibility and selection criteria to all students, parents/guardians, administrators, teachers and staff of the District.
- c. The District shall monitor to ensure that the modified eligibility and selection criteria for participation in the District's GATE program, middle school honors courses and high school honors and AP courses are implemented uniformly and consistently at all schools throughout the District.
- d. Reporting Requirement: By January 31, 2015, and again by January 31, 2016, the District will provide OCR documentation demonstrating the modified eligibility and

selection criteria were disseminated and the steps taken to promote uniform implementation.

V. GATE School Site Plans

- a. By January 31, 2015, the District, in collaboration with the Equity Consultant and relevant school site administrators, will develop targeted site plans to promote equitable GATE referral and identification for African American students at all elementary and middle schools.
- b. The site plans will include specific strategies and steps that site administrators and staff will implement, including but not limited to outreach, professional development, culturally competent student identification, and other tools to ensure that such school sites identify and promote the District's GATE program opportunities for African-American and other students in an equitable manner. These site plans will be reviewed annually for progress.
- c. Reporting Requirements: By January 31, 2015, the District will provide OCR with the site plans for specific sites selected by OCR for review. On July 1, 2015, the District will provide OCR with verification that the site plans have been implemented and by July 1, 2016, will provide OCR with verification that the site plans have been reviewed for progress.

VI. Data Analysis & Remediation

- a. Beginning with the 2013-2014 school year, and annually thereafter, the District will analyze data related to the identification and selection of students for the GATE program, middle school honors courses and high school honors and AP courses to determine whether African-American students are identified and selected at statistically significantly lower rates compared to their representation in the enrollment of their respective schools. During the 2013-2014 school year, this data analysis may be part of the Review and Assessment conducted in consultation with the Equity Consultant. The analysis must include, at a minimum:
 - i. the number of students enrolled in each the school, disaggregated by race;
 - ii. the number of students who were selected or applied for GATE, disaggregated by race;
 - iii. the number of students who were enrolled in middle school honors courses, disaggregated by race;
 - iv. the number of students who were enrolled in high school honors and AP courses, disaggregated by race; and,
 - v. the District's analysis of whether the selection and enrollment figures are disproportionate for African American students.

- b. If applicable, the District will determine the cause(s) of any identified disproportionalities and take steps within its authority to address them.
- c. Reporting Requirement: By January 31, 2015, and again by January 31, 2016, the District will provide the data analysis to OCR including, if appropriate, the District's plan to address any identified disproportionality in the selection and enrollment of African-American students.

VII. Parent/Guardian Outreach

- a. By January 31, 2015, after reviewing the recommendations of the Equity Consultant, the District will determine the changes that are needed to its current outreach plans for the parents/guardians of elementary, middle and high school students regarding participation in the District's GATE program, middle school honors courses and high school honors and AP courses. The District will ensure that outreach is conducted at elementary, middle and high school sites and will include, at a minimum:
 - i. a description of the benefits and opportunities available to students in the GATE program, middle school honors courses and high school honors and AP courses;
 - ii. for each elementary school, information regarding GATE in the school's enrollment materials;
 - iii. the name(s) and contact information for the GATE coordinator at the parent's/guardian's school site and at the District office;
 - iv. information regarding the identification and selection process for the GATE program, middle school honors courses and high school honors and AP courses, including information about eligibility criteria, when relevant testing will be held, the importance of early planning in the elementary and middle school years and the need to take certain prerequisite courses to prepare students for a successful transition into high school honors and AP courses; and,
 - v. information regarding how to appeal decisions made regarding the identification and selection of students for the GATE program, middle school honors courses and high school honors and AP courses.
- b. The District will also consider outreach to community organizations, including those that are in regular contact with the parents/guardians of African-American students, regarding the opportunities and benefits of these programs and courses.
- c. Reporting Requirement: By July 31, 2015, and again on July 31, 2016, the District will provide OCR documentation demonstrating that parent/guardian outreach plans were implemented, including an overview of events that were held.

VIII. Student Outreach and Counseling

- a. By January 31, 2015, after reviewing the recommendations of the Equity Consultant, the District will ensure that its programs and services, including counseling, inform

students of all available and relevant program and course options, including information on middle school honors courses and high school honors and AP courses and their prerequisites. When appropriate, information shall be provided during individual counseling sessions, during group information sessions provided to students about high school enrollment and/or the college application process, and through written or digital materials. Information shall advise students of the significance of honors and AP courses and of the potential to receive college credit for certain AP courses.

- b. The District will continue to provide information concerning all available and relevant program and course options, including information on middle school honors courses and high school honors and AP courses and their prerequisites in its enrollment materials and on the District's website.
- c. The District will continue to monitor its programs and services to ensure that students are informed of available and relevant program and course options.
- d. Reporting Requirement: By July 31, 2015, and again on July 31, 2016, the District will provide to OCR documentation demonstrating that student outreach and counseling services were implemented, including a description of those services.

IX. Staff Training

- a. By April 1, 2015, the District will conduct training on its modified eligibility and selection criteria for participation in the District's GATE program, middle school honors courses and high school honors and AP courses, pursuant to Section IV.a. At a minimum, the training will be provided to all elementary GATE site coordinators, middle and high school head counselors, and site principals.
- b. By September 30, 2015, the District, in consultation with the Equity Consultant, will begin providing annual training for relevant staff on equitable GATE, honors and AP enrollment practices. The first annual training(s) will include all GATE site coordinators, all teachers and administrators who oversee GATE, honors, and/or AP (including all high school department chairs), and counselors. Training for teachers may be conducted at the site level by District and/or site administrators. The training will be repeated annually for all new administrators and staff. The training may include online resources or written materials, but will not be exclusively conducted online or through written materials. The training will include, at a minimum:
 - i. reviewing the racial demographics of the GATE program, middle school honors courses, and high school honors and AP courses, as well as the participation rates of African-American students by school site, including comparisons to the rates at other schools in the District and the overall District rate;
 - ii. reviewing the revised eligibility and selection criteria developed pursuant to Section IV of this Agreement;

- iii. accessing and utilizing SISWeb to identify and evaluate potential GATE, honors and AP students (identified staff as appropriate);
 - iv. effective parent/guardian outreach, counseling and retention strategies for African-American and other students, including best practices currently being utilized (identified staff as appropriate);
 - v. developing and supporting a school-wide approach for increasing and identifying honors and AP course opportunities for African-American and other students; and,
 - vi. providing staff from school sites that have successfully implemented equitable AP and honors enrollment practices with an opportunity to share best practices with other District and school site staff.
- c. Reporting Requirement: By April 1, 2015, the District will provide OCR with documentation of the GATE, AP, and honors criteria training described in (a) above, including a list of the categories of employees trained, date(s) of the trainings, and a copy of the training curriculum. By September 30, 2015, and again by September 30, 2016, the District will provide OCR with documentation demonstrating that it has provided training to District personnel, including a list of the categories of employees trained, date(s) of the trainings, and a copy of the training curriculum.

X. GATE / Equity Committee

- a. By July 31, 2014, District will create a GATE / Equity Committee of appropriate stakeholders¹ to meet semiannually; at a minimum, to evaluate whether the District's outreach efforts, identification and selection policies and practices, staff training, and other policies and practices are effective in increasing GATE identification and honors and AP participation rates for African-American students.
- b. The GATE / Equity Committee will review District-wide and school site data regarding identification and selection for the GATE program, honors and AP courses, by race, from the prior semester² and make recommendations to the District for increasing the enrollment in these programs and courses of African-American students.
- c. Reporting Requirement: By July 31, 2014, the District will provide OCR with the names and titles of the members of the GATE / Equity Committee and a tentative calendar and goals for the Committee's first year of meetings/tasks, as well as minutes or a summary of the meeting. By July 31, 2015, and again on July 31, 2016, the District will provide OCR with a summary of the committee's recommendations and actions during the prior year.

¹ Such stakeholders may include school site representatives, District GATE administrators, GATE coordinators, the Equity Consultant, community organizations, community members, and parents/guardians.

² The District will designate a District-level staff person to present the relevant information and ensure a summary of the information is provided to Equity / GATE Committee members prior to each meeting.

XI. Monitoring

- a. Based on the written reports provided to OCR, pursuant to this Agreement, OCR will determine whether any additional reports or information are necessary as part of the monitoring of this Agreement. If OCR's review / approval period impacts the District's ability to comply with time lines in this Agreement, OCR will allow for an extension of action steps by the District as needed. Assuming full implementation of this Agreement by the District, it is not anticipated that monitoring will be necessary past September 1, 2017.

OCR will monitor the District's implementation of all components of this Agreement. The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. Part 100, which was at issue in this compliance review. This Agreement may not be terminated prior to January 1, 2017.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. Part 100, which was at issue in this compliance review.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent Ladd (or designee)

4/25/2014
Date