



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS, REGION IX

October 11, 2011

Dr. John Deasy
Superintendent
Los Angeles Unified School District
333 South Beaudry Avenue
Los Angeles, California 90017

In reply, please refer to case no. 09-10-5001.

Dear Superintendent Deasy:

The U.S. Department of Education, Office for Civil Rights (OCR) conducted a compliance review of the Los Angeles Unified School District under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d et seq. The review had two components. OCR examined the District's educational program for English Learner (EL) students. OCR also examined a sample of elementary schools with predominantly African American student enrollments and predominantly white student enrollments to assess whether the District provides comparable resources and opportunities to students enrolled in those schools.

Title VI and the Department implementing regulation, 34 C.F.R. Part 100, prohibit discrimination based on race, color or national origin by recipients of Federal financial assistance from the Department. The District is a recipient of such assistance and is subject to requirements of Title VI and the regulation.

This letter summarizes the applicable legal standards and the information gathered during the review, and describes how the case was resolved. As explained below, prior to the end of OCR's investigation, the District offered to enter into an Agreement to Resolve for each component of the review to address concerns identified by OCR.

Overview of the District

The District is the largest school system in California. It is 710 square miles in area and, in addition to Los Angeles, serves students from 32 different cities. During the 2010-2011 school year, the District enrolled 671,648 students in kindergarten through grade 12. The District employed 31,748 teachers and 2,195 administrators.¹ For administrative purposes, the District is divided into eight local districts, each with its own administrative structure and local superintendent.

¹ Source: Los Angeles Unified School District, http://notebook.lausd.net/pls/ptl/docs/page/ca_lausd/lausdnet/offices/communications/10-11fingertipfacts_revised228.pdf

The following shows the racial/ethnic composition of the District's student enrollment for 2010-2011²:

District Enrollment 2010-2011	
Hispanic or Latino of Any Race	73.4%
African American, Not Hispanic	9.95.0%
White, not Hispanic	8.8%
Asian, Not Hispanic	3.9%
Filipino, Not Hispanic	2.2%
Pacific Islander, Not Hispanic	0.3%
American Indian or Alaska Native, Not Hispanic	0.4%
Two or More Races, Not Hispanic	0.1%
Not Reported	0.9%

Part I – English Learner Programs

This component of OCR's review examined whether EL students are denied equal educational opportunities in the District's program and services, and are therefore subjected to discrimination on the basis of national origin under Title VI. At the time OCR began its investigation, the District enrolled approximately 210,000 EL students, over 30% of the student population. More than 90% of the EL students speak Spanish as their primary language.

The review focused on the question of whether the District provides EL students, particularly secondary level students, with educational services that are designed to teach them English and provide them equal access to the District's educational program until they are fully English proficient, and whether the District regularly evaluates the implementation and effectiveness of the program. OCR also considered whether the District has adequate practices and procedures for communicating with limited English proficient parents about the EL program and about the academic opportunities and progress of their EL children.

The Title VI implementing regulations, at 34 C.F.R. §100.3(a) and (b), provide that a recipient of Federal financial assistance may not, directly or through contractual or other arrangements, on the ground of race, color or national origin, exclude persons from participation in its programs, deny them any service or benefits of its programs, or provide any service or benefit which is different or provided in a different manner from that provided to others. Section 100.3(b)(2) provides that, in determining the types of services or benefits that will be provided, recipients may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color or national origin.

² Source: California Department of Education, <http://dq.cde.ca.gov/dataquest/>

On May 25, 1970, pursuant to its authority under Title VI, the Department of Education issued a memorandum entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin," 35 Fed. Reg. 11,595 (May 25th memorandum). The May 25th memorandum clarified OCR policy under Title VI on issues concerning the responsibility of school agencies to provide equal educational opportunity to limited English proficient national origin minority students. It states that school districts must take affirmative steps to address the language needs of limited English proficient students (EL students).

To meet Title VI standards in serving EL students, a school district must 1) select a sound educational theory for its programs for EL students that is likely to meet their educational needs effectively; 2) use practices, resources, and personnel reasonably calculated to implement its educational theory, and 3) demonstrate that its program is successful in teaching EL students English and providing them with access to the curriculum, or must modify the program as necessary. See *Castañeda v. Pickard*, 648 F.2d 989 (5th Cir.1981).

The May 25th memorandum also states that school districts must adequately notify national origin minority group parents of information that is called to the attention of other parents, and that such notice may have to be provided in a language other than English in order to be adequate. OCR analyzes this issue consistent with the U.S. Department of Justice (DOJ) "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41,455, June 18, 2002). Under the DOJ Guidance, the extent of a recipient's obligation to provide language assistance to limited English proficient (LEP) individuals is determined by balancing four factors: 1) the number or proportion of LEP individuals likely to encounter the program; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the services provided by the program; and 4) the resources available to the recipient.

As part of its investigation, OCR conducted on-site visits at twelve elementary, middle, high, and continuation schools in local Districts 1 and 6, and to District and local district offices. During these visits, OCR interviewed 295 teachers, visited 340 classrooms, conferred with 17 District level administrators, 22 local district administrators, 40 site principals and assistant principals, 26 guidance counselors, and 31 coordinators/coaches. OCR also examined student placement and achievement data for current EL and former EL students at the schools visited and conducted an in-depth review of student cumulative files for approximately 200 students, which contained their educational history and academic progress. Additionally, OCR conducted meetings with 377 parents and 146 students in both local districts.

OCR determined that the District had adopted an EL program and was providing services to EL students at all of the sites visited. However, OCR's interviews, document reviews and observations raised a number of compliance concerns regarding the comprehensiveness of the District's program, the procedures in place for ensuring that it was fully implemented, and the overall effectiveness of the program. A summary of our observations and concerns follows:

Identification and Assessment of EL students

- District staff consistently follow state-prescribed procedures to identify and conduct timely language assessments of EL students new to the District. Data on the identity and English proficiency levels of EL students is available to staff at all schools.

Instructional Program:

- The District's EL program is set forth in a 275-page Master Plan for English Learners developed during 1995-96. The Master Plan is supplemented by a 12-page Revision to the Master Plan developed in 2002, and more than 50 additional bulletins, memoranda, reference guides, and handbooks that update, supplement, or supersede various provisions of the Master Plan. Due to the large number of documents and lack of cross-referencing, District staff members were unable to consistently reference all documents applicable to a particular subject.
- The Master Plan and subsequent documents state that elementary students must be provided with daily English language development (ELD) instruction at their assessed level of English proficiency for a minimum of thirty minutes, using specified ELD materials.
- At the elementary level, the program design permits delivery of ELD instruction in classrooms that include English proficient students and EL students with multiple levels of English proficiency, but provides no guidance as to how this instruction should be structured and delivered to address differing levels of English proficiency. At two of the three elementary schools that OCR visited, teachers were unable to explain how they simultaneously provided multiple levels of ELD instruction.
- Students at the secondary school level may receive instruction in a three-year sequence of English as a second language (ESL) courses.
 - The secondary school ESL class sequence is intended for students in their first three years of English instruction. However, a large number of students in these classes (as many as 75% at one middle school visited by OCR) have been in the District EL programs for more than six years. The evidence showed that many students have repeated one or more levels of ESL.
 - Although the ESL program design directs schools to enroll EL students with only a single level of proficiency in ESL classes, OCR found that secondary-level ESL sections frequently included mixed proficiency levels.
 - The materials used to deliver ESL instruction were developed nine years ago for students in grades 4 – 8; high school teachers raised concerns about their adequacy and appropriateness for older students.

- EL students who meet designated criteria when they enter secondary school, and those who have completed the ESL course sequence, are placed in the "Preparation for Redesignation Program" (PRP), and are expected to receive EL services in mainstream classrooms with English proficient students. Between 70 and 90 percent of the EL students at the secondary schools visited by OCR are considered PRP.
 - The District's EL program design documents provide no guidance as to how this instruction is to be delivered to this population of students.
 - Although PRP students are generally enrolled in English classes with their English-proficient peers, OCR found no evidence that English teachers had received consistent direction on the ELD instruction they were expected to provide to them. The investigation showed that these students, who are the majority of EL students at the secondary level, generally receive the same instruction as English-proficient students, using the same materials, and without specific provisions for monitoring their progress in acquiring English or providing any specific services or curriculum designed to ensure that they become fully proficient in English.
 - The District's current EL program design includes an intervention/support class, English language Skills (ELS), for a limited number of PRP students who are failing on multiple dimensions. None of the schools that OCR visited provided ELS classes to the majority of the students who qualified for them. At one school with a PRP population of 1,118 students, only one section of ELS was offered.
- At the secondary schools that OCR visited, students with disabilities in a full-day special education setting were not provided with an organized program of ELD, including instruction addressing deficits in English oral proficiency. EL students who were placed in special day classes at secondary schools essentially stopped receiving ELD or other EL services.
- Most instruction in core curricular subjects is delivered to EL students in mainstream classrooms, using specially designed academic instruction in English (SDAIE) techniques. At the secondary schools that OCR visited, most content instruction was not targeted to EL students' level of English proficiency; interviews with students and teachers indicated that EL students were frequently unable to understand written course materials.
- While the District program provides for specialized "enabling" or "sheltered" core content classes specifically designed for secondary school EL students at the lowest levels of English proficiency, none of the secondary schools visited by OCR offered more than a few of these classes.

Monitoring Student Progress

- Under District-established goals, EL students are expected to acquire full proficiency in English in six years. Detailed student data from six of the middle and comprehensive high schools OCR visited showed that 75% of the EL students at those schools had been in the EL program for more than six years.
- The District has not established benchmarks to identify students who are not making adequate progress toward meeting the six-year goal. The schools visited by OCR did not monitor the progress of EL students to identify students who were not on track to achieve full proficiency.
- Although PRP students receive all of their instruction in mainstream classes, the schools visited by OCR generally did not monitor their academic achievement and progress in learning English, except to the extent that they monitored the academic progress of all students.
- EL students who do not meet District English acquisition goals rarely receive intervention services designed to address their lack of progress. None of the elementary schools visited by OCR offered ELD-specific intervention services during the school day for EL students failing to show adequate progress toward full English proficiency and no such program exists under the District EL program. The only secondary school intervention class specifically for EL students (English Language Skills) was designed to meet the needs of EL students only after they had already failed on multiple indicators. Only a small proportion of long-term EL students were enrolled in these classes or in intervention classes.

Reclassification

- The District has adopted criteria, including test scores and grades, for determining when EL students have reached English proficiency and no longer need EL program services. Students in grades two and above must score at the Basic level on the California Standards Test (CST) in language arts. The Master Plan states that if reclassified students fall below this test score level within two years after reclassification, they will be provided additional instructional services. The District also stated that a goal for reclassified students is to reach the Proficient level in language arts on the CST (the next level above Basic), which is defined as grade level proficiency.
- When EL students have met the adopted criteria, the District promptly reclassifies them as fully English proficient (RFEP). All schools visited by OCR maintained a list of the reclassified students and their post-reclassification scores on the CST. However, none of the schools had a mechanism for providing students whose CST scores or grades had fallen with academic support or interventions, or a mechanism for providing services to students who failed to progress to Proficient on CST language arts.

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- At the middle and high schools that OCR visited, the CST language arts scores of 24% to 36% of the reclassified students dropped at least one level in the first year after reclassification. Between 46% and 67% of the reclassified students at each school, regardless of date of reclassification, remained at or below Basic, rather than progressing to Proficient or grade level achievement.

Teacher Qualifications

- Classroom teachers at the schools visited by OCR held appropriate state certification to teach EL students.

Program Implementation, Evaluation, and Accountability

- OCR found that the District's EL program was not fully implemented at any site.
- During its investigation, OCR found no system that was consistently used at either the Central District Office or the local district level for determining whether school sites were fully implementing the District's EL program.
- There was no comprehensive system for holding staff at the District, local district, or school site level accountable for ensuring full program implementation.
- Prior to 2009, the District conducted an annual evaluation of the success of EL students. The most recent comprehensive program evaluation provided to OCR was completed in March 2009, and concerns the progress of students during the 2007-08 school year.
- The 2009 evaluation report does not include specific steps to ensure that improvements and changes are made in the program where needed, based on the data collected. Under the current administrative structure, no District staff have the responsibility for using the analysis of EL student achievement data to develop and modify the instructional programs for EL students.
- District program evaluation reports since 2002-03 contained recommendations for improvement that were similar year-to-year because the data continued to show the same problems, which remained largely unaddressed. For example, there are repeated recommendations to develop interventions for long term EL students.
- District program evaluations and publicly available student achievement data indicate that the EL program is not meeting State or District goals for EL student progress. District conclusions in program evaluations completed between 2002-03 and 2007-08 consistently indicated that a substantial proportion of EL students, particularly at the secondary school level, did not meet the goal of making one level of growth in English proficiency per year. For example, in 2003-04, 55.9% of EL students in middle schools

met this goal; in 2007-08, the percentage had declined to 51.4%. In 2003-04, 51.5% of EL students at high schools met the one-year goal, in 2007-08, this percentage declined to 47.6%.

- Based on data from the California Department of Education, half of EL students in the District did not achieve one level of growth on the California English Development Test (CELDT) during the 2010-11 school year. Only 31.5% of students who have been enrolled in the District for five or more years reached proficiency on the CELDT.
- Analysis included in the District's 2009 evaluation report indicated that the four-year graduation rate for EL students in 2006-07 was 15.4%.³

Parent Communication

- The District currently does not have policies and procedures in place that effectively notify limited English proficient (LEP) parents about the District's EL program, their child's participation in the program, or their child's progress toward meeting District standards for full English proficiency and achievement in core academic areas. OCR's interviews indicated that LEP parents are not provided with important information about graduation and college requirements in a manner as effective as the information provided to English speaking parents.
- The majority of the parents of EL students who spoke to OCR said they did not understand how their child progresses through the EL program. Some parents were uncertain whether their child was classified as an EL student, were uninformed about the level of ELD in which their child was placed, and/or did not understand the reclassification criteria at the secondary level.
- While the District produces written materials about the EL program, local district distribution to school sites of these informational materials is not consistent. The materials were not available at all school sites and, in some cases, different materials were available at different sites.
- District staff who provide interpretation or translation did not have sufficient training about how the EL program operates to enable them to accurately interpret and translate common terminology, such as PRP, CELDT, SDAIE, language domains, etc., that is frequently used in information about the EL program. Some interpreters in community meetings used inconsistent terms to describe the EL program, and sometimes failed to explain acronyms and other terms frequently used in the EL program.

³ Rate for African American students: 42.6%; for Hispanic students: 40.2%; for white students: 65.4%; for Asian students: 75.6%. Rate based on students who graduate with a diploma and pass the CAHSEE after four years of high school. The incoming freshman class from four years prior is determined by averaging the 9th grade enrollment, the previous year's 8th grade enrollment, and the following year's 10th grade enrollment.

- Written informational materials about the EL program were not translated consistently throughout the schools visited by OCR. Different translated versions of EL program notices were found at school sites.
- Secondary school site counselors emphasized the need for students to meet reclassification criteria, often at the expense of providing information about college requirements and opportunities such as Advanced Placement (AP) or Honors classes. OCR found one document in Spanish regarding California's A – G requirements for four year institutions that provided significantly less information than the English counterpart.

English Learner Program – Agreement to Resolve

Since the commencement of OCR's investigation, the District has taken a number of steps to improve its program for EL students. The District is currently in the process of developing a new Master Plan for English Learners. It has also developed data systems that provide school sites (and increasingly teachers in every classroom) with academic assessment information for individual students, and is in the process of providing training to support the use of this data to inform instruction.

Prior to the conclusion of the investigation, the District expressed interest in taking action to resolve this area of concern, and signed an Agreement to Resolve. In the Agreement, the District committed to developing and implementing a new Master Plan for English Learners, which will describe a comprehensive program of English language services and instruction and include a comprehensive program of implementation to deliver these services to all EL students. The Master Plan will specify how the District will ensure that appropriate staff at all levels are held accountable for the design, full implementation, and periodic evaluation of the EL program. The District also agreed to develop an Evaluation Plan, which will provide for program implementation and evaluation of program effectiveness. Pending full implementation of these plans, the District agreed to implement interim plans to provide compensatory or supplemental services to EL students who have not received adequate services and to ensure that content area teachers receive training on making their instruction accessible to EL students. The District also agreed to provide OCR with policies and procedures to ensure that parents are effectively notified about the District's EL program, the progress of their students, and requirements for high school graduation and college readiness. Training will be provided to all staff who provide interpretation and translation regarding the EL program and the information that must be provided to parents of EL students. The District will provide professional development to staff at all levels who are responsible for implementing any portion of its agreement with OCR.

Part II - Resource Comparability

Public data have consistently shown large disparities between the percentage of African American students in the District who demonstrate proficiency in language arts and math on the California Standards Test (CST) and other measures of achievement, and the percentage of

white students who show such proficiency. While learning outcomes, alone, do not constitute a standard for compliance with Title VI, the disparities in achievement between African American students and white students may be possible indicators of unequal access to educational opportunities.

This component of OCR's compliance review examined nine elementary schools in the District, some with high concentrations of African American students and some with high concentrations of white students:

- Five of the schools, located in local districts 3 and 8, had student enrollments that ranged from 88% to 94% African American. At the time the review was commenced, the proportion of African American students at these schools scoring "proficient" or above on the language arts section of the CST ranged from 37% to 45%, and the proportion of students scoring "proficient" or above on the math section of the CST ranged from 46% to 54%.
- Four of the schools, located in local districts 1 and 3, had total student enrollments that ranged from 75% to 88% white. At the time the review commenced, the proportion of white students at these schools scoring "proficient" or above on the language arts section of the CST ranged from 74% to 87% and the proportion of students scoring "proficient" or above on the math section of the CST ranged from 79% to 93%.⁴

Under the Title VI regulation at 34 C.F.R. §100.3(a), a school district may not exclude students from participation, deny them benefits, or otherwise subject them to discrimination on the basis of race, color, or national origin with regard to any aspect of its program. Under §100.3(b)(ii), (iii) and (iv) districts may not, on the basis of race, color or national origin, provide individuals with any service or benefit that is different or is provided in a different manner from that provided to others, may not subject individuals to separate treatment, and may not restrict individuals in any way in the enjoyment of any advantage or privilege enjoyed by others. In addition, under 34 C.F.R. §100.3(b)(2), also provides that a recipient may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination on the basis of race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

⁴LAUSD's "School Report Cards" for 2009-2010 showed that, District-wide:

At the elementary school level -

42% of African American students were proficient or advanced on the CST compared to 75% of white students

45% of African American students were proficient or above in math, compared to 79% of white students.

At the high school level:

32% of African American students were proficient or above in language arts, compared to 68% of white students;

9% of African American students were proficient or above in math compared to 40% of white students.

OCR conducted a review to determine whether the District provides comparable resources to the two groups of schools selected. OCR also examined whether District policies, procedures, or methods of allocating resources have a disproportionate, adverse impact on African American students at the schools. OCR reviewed resources at the nine schools in the following areas:

- program resources and facilities
- instructional programs
- effective teachers
- school administration and organization
- parent Involvement

In addition to reviewing resources at the selected schools, because discipline practices that exclude students from school may contribute to the academic achievement gap, OCR reviewed District-wide data on suspensions and referrals for expulsion. Educational research has consistently found a strong positive relationship between time engaged in academic learning and student achievement.

OCR analyzed statistical data from the District, the California Department of Education's (CDE) website, and the OCR's Civil Rights Data Collection (CRDC) system. OCR also collected a broad range of information on school resources through a series of data requests sent to the District and from publicly available information on District policies and initiatives. The information gathered by OCR included School Accountability Report Cards, the Single School Plans for Achievement, and school budgets and expenditures. In addition, the principals and teachers at all nine schools were asked to complete OCR-designed questionnaires concerning school and classroom resources. OCR also conducted in-depth interviews with the principal at each of the nine schools, the local district administrators responsible for overseeing the nine schools and 16 Central Office administrators responsible for the resource areas under review,.

A team of OCR staff members conducted full day visits at each of the nine schools where we examined the physical plant and equipment, reviewed documents and conducted interviews. During the visits, OCR interviewed approximately 180 teachers and supplemental staff, including GATE coordinators, Title I coordinators, librarians, computer technicians, and parent coordinators.

With respect to the nine elementary schools that were included in this component of the review, the information gathered during the review indicated relative comparability with respect to the following areas: the per pupil expenditures from unrestricted funding sources; the overall facilities construction, condition, general maintenance, and size in relation to enrollment; the sufficiency of classroom textbooks; the student to teacher ratio; teacher experience and credentials, and principal experience and credentials.

The following sections summarize the areas where OCR identified compliance concerns:

Gifted and Talented Education (GATE) Programs

- At the elementary level, the GATE program itself is delivered through differentiated instruction in GATE classrooms or in clusters within classrooms. Schools received \$15 in GATE funds per identified student during the 2010-11 school year.
- The District has set as a goal and priority that at least 6% of each school site's total student population and 6% of the student population of historically underrepresented racial and ethnic groups participate in GATE.
- For the 2008-2009 school year, 5.7% of African American students and 6.6% of Latino students District-wide participated in GATE programs. Data reported by the District to the Department of Education's Civil Rights Data Collection for school year 2009-2010 indicated that 6.23% of African Americans and 6.6% of Latinos participate in GATE district-wide.
- By contrast, 24.7% of white students and 29.9% of Asian students District-wide were in GATE programs.
- For school year 2009-2010, GATE participation at the nine elementary schools reviewed by OCR shows the following: four of the African American schools did not reach the minimum 6% goal for African American student GATE participation, or the level of the District wide average for participation of African American students; reported GATE participation at these schools was between 1% and 3%. By contrast, three of the four white schools reported GATE participation between 17% and 20%. GATE participation at the fourth white school was 6%.
- There was a pronounced contrast in the rate of referral for the GATE category based on intellectual ability (which requires testing by District psychologists rather than a review of standardized test scores). In 2009-10 each of the predominantly white schools referred over 45 students for testing, while four of the five predominantly African American schools referred less than seven students in this category.
- It was also noted that two of the five predominantly African American schools visited by OCR did not submit District-required GATE plans in either 2009-2010 or 2010-2011. All of the predominantly white schools had approved GATE plans.
- Although the District has set as a priority addressing the underrepresentation of racial/ethnic groups in GATE, the current policy goal of 6% participation in GATE by all subgroups does not adequately address the large disparities between white/Asian students and African American/Hispanic students.

- The District's GATE database is not currently linked to other District computer information systems. As a result, it is difficult for the GATE office to maintain accurate information needed to evaluate participation rates in GATE.

Technology Resources

- OCR observed a notable disparity between the five predominantly African American schools and three of the four predominantly white schools with respect to the availability and use of computers and technology. These disparities were primarily the result of differences in the levels of monetary contributions parents were able to provide.
- Three schools with predominantly white enrollments had more, newer, and better functioning computers in labs, classrooms and libraries, along with staff dedicated to computer and IT support. They also had more interactive technology such as smart boards.
- In general, the classrooms and computer "labs" at the predominantly African American schools contained less IT equipment and computers that were older and less functional. Moreover, the labs were not utilized regularly. Unlike three of the white schools, the African American schools did not have separate staff dedicated to computer and IT support.
- Several teachers at African American schools told OCR that the computerized component of the Envision Math series would benefit students, but that they do not use it because of inadequate computer equipment. A number of them also said that their students would benefit from interactive technology such as smart boards.
- Staff who work with students with disabilities at two of the African American schools said they have reading intervention software that they acquired on their own, but they cannot use it at their schools because of outdated computer equipment.
- Although the District maintains a database containing the number and age of computers at each school, it relies solely on school site reporting and updating of the information. OCR found disparities between information in the database and what we observed while on-site. The District's database is unreliable given that the District does not conduct audits to verify the accuracy of school site reporting.

Library Resources

- As reported to CDE, the average publication date of the U.S. history books at the libraries at the African American schools OCR visited was 1986; the average publication date of the U.S. history books at the white schools visited was 1996.

- Knowledgeable staff members at two African American schools OCR visited reported that the collections were in poor condition because of age and/or were inadequate to meet the students' needs.
- Based on District-wide data generated by the computerized online catalogue system, the ratio of books per pupil at District schools ranges from three books per student to 41 books per student.
- The District does not monitor school library inventories. The District encourages schools to inventory their library collections (i.e., determine whether the books on the shelf match the catalogue). However, schools are not required to do so. Without these steps, the District and schools do not have an accurate assessment of the size, contents, or condition of their library collections.
- If the shelf inventories provided by two of the schools in the review (one African American and one white school) are typical, there are discrepancies between the shelf inventories and the online catalogues.

Equal Access to Effective Teachers

- While the District has acknowledged and engaged in efforts to address the academic achievement gap between African American and white and Asian students, the gap persists.
- In 2009 the LAUSD Board of Education recognized the need to study the issue of teacher effectiveness and directed the Superintendent to create a task force for this purpose. The Task Force was charged with "reviewing current practices; studying relevant research; and developing recommendations and a plan for action to achieve meaningful changes..."
- For the 2009-2010 school year, at the African American schools reviewed, 42% of the teachers were absent for 10 or more days for reasons unrelated to instructional activities; at the white schools, 27% of the teachers were absent for 10 or more days for reasons unrelated to instructional activities.

Student Discipline

- For at least the past five school years, the District has suspended and referred African American students for expulsion at a disproportionately high rate -- more than twice the percentage of their representation in the student population.⁵ In comparison, White students are suspended and expelled at rates lower than would be expected.

⁵ District data (the LAUSD Profile) showed that, for 2010-2011, African American students constituted 9.95% of enrolled students, but 26% of suspensions and 24% of referrals for expulsion. White students constituted 8.889% of enrolled students but 4.9% of suspensions and 3.9% of referrals for expulsion.

Resource Comparability – Agreement to Resolve

Prior to the conclusion of OCR's investigation, the District expressed interest in taking action to address the areas of concern described above in an Agreement to Resolve. In the Agreement, the District has committed to the following: The District will develop a comprehensive plan to address the disproportionate participation of African American and Hispanic students in GATE and will take immediate steps to increase identification of African American students eligible for GATE at schools where their participation is lower than the District average. The District will also develop a District Technology Plan with guidelines for an appropriate student/computer ratio in each school, specify categorical funds set aside for instructional technology, and take steps to ensure that school sites maintain accurate inventories of technology. In addition, the District will develop a plan to increase library collections and to lower the book-to-student ratios, and create a process for accurate school library inventories and an electronic database to assess the contents and condition of schools' collections.

Under the agreement, the District will develop a strategic comprehensive plan to address the achievement gap for African American students, including actions to provide professional development, monitoring of instruction and accountability for learning and support. The District will develop a comprehensive plan of English language services and instruction to address the academic language proficiency and needs of African American students in a separate component of the *Master Plan for English Learners*. The agreement also requires the development and implementation of a comprehensive plan to eliminate the disproportionality in disciplinary action imposed on African American students. Further, the District agreed to develop and implement a pilot project establishing a community school in an area serving two of the African American schools OCR visited. The purpose of the pilot project will be to increase access to educational and non-educational resources and services, including health and social services, and engage the community in improving student achievement, and to develop a successful, sustainable and replicable model for addressing the academic achievement gap. In addition, the District will develop a program for African American students and parents regarding college preparedness and career readiness, to provide support and information needed to enable students to prepare for and succeed in post-secondary education. Finally, the District will develop district-wide plans to address student and staff attendance, and to ensure that schools use substitute teachers in a manner that will provide the highest level of instructional consistency.

Based on the commitments the District has made in the Agreements to Resolve described above, OCR has determined that it is appropriate to close the investigative phase of this compliance review. OCR will monitor the implementation of the Agreements. The District has agreed to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreements. OCR will conduct additional visits and request additional information as necessary to determine whether the District has fulfilled the terms of the Agreements and is in compliance with Title VI with regard to the issues in the review.

This letter sets forth OCR's determination in an individual OCR case. It is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR greatly appreciates the ongoing cooperation received from the District during the investigation and resolution of this case. We would like to thank all the District and site administrators and staff who provided information and assistance to OCR throughout the course of the review. If you have any questions about this letter, please contact James Wood, Team Leader, at (415) 486-5566, james.m.wood@ed.gov.

Sincerely,

/s/

Arthur Zeidman

Director, OCR San Francisco