



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115

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MICHIGAN  
OHIO

JAN 07 2014

Eric S. Gordon  
Chief Executive Officer  
Cleveland Metropolitan School District  
1111 Superior Avenue East  
Cleveland, Ohio 44114

Re: OCR Docket #15-11-5003

Dear Mr. Gordon:

This is to advise you of the resolution of the above-referenced compliance review that the U.S. Department of Education (Department), Office for Civil Rights (OCR), in Cleveland, Ohio, initiated on May 18, 2011. The compliance review assessed whether the Cleveland Metropolitan School District (the District) discriminated against Hispanic students by establishing policies and procedures that result in denying them equal access to college and career readiness programs and courses, including programs in the areas of science, technology, engineering, and mathematics (STEM) and other academically rigorous high school course offerings, or in its dissemination of information to parents and/or students about such programs and course offerings. The review also examined whether the District, in determining the site or location of facilities housing STEM and other academically rigorous high school course offerings, makes selections that have the effect of excluding Hispanic high school students from, denying them the benefits of, or otherwise subjecting them to discrimination in regard to any such program and course offerings.

OCR initiated this compliance review under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving financial assistance from the Department. As a recipient of such assistance, the District is subject to Title VI.

Prior to the conclusion of OCR's investigation, the District expressed an interest in voluntarily resolving this case and entered into a Resolution Agreement (Agreement), which commits the District to specific actions to address the issues under review. This

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letter summarizes the applicable legal standards, the information gathered during the review, and how the review was resolved.

### **Legal Standards**

The standards for determining compliance with Title VI are set forth in the regulation at 34 C.F.R. §§ 100.3(a) and (b).

The Title VI regulation, at 34 C.F.R. § 100.3(a), states the following:

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program [that receives Federal financial assistance from the Department of Education.]

Pertinent provisions of the regulation, at 34 C.F.R § 100.3(b)(1), provide:

A recipient under any program to which this part applies may not, directly or through contractual or other arrangement, on ground of race, color, or national origin:

- (i) deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) provide any service, financial aid, or other benefit to an individual which is different, or provided in a different manner from that provided to others under the program;
- (iii) subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- (iv) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (v) treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program; or
- (vi) deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

The Title VI regulation, at 34 C.F.R. § 100.3(b)(2), also provides:

A recipient . . . may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

The OCR policy memorandum issued on May 25, 1970, entitled “Identification of Discrimination and Denial of Services on the Basis of National Origin” (the May 1970 Memorandum), 35 Fed. Reg. 11,595, articulates OCR policy under Title VI on issues concerning the responsibility of school districts to provide equal educational opportunity to limited-English proficient (LEP or EL) students. The May 1970 Memorandum states, in part: "Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”<sup>1</sup>

Pursuant to the Title VI regulation, the District has an obligation to ensure "meaningful access" to its programs and activities to national origin-minority, limited English proficient (LEP) parents. Specifically, under Title VI, the District has an obligation to "adequately notify" national origin-minority group parents of school programs and activities that are called to the attention of other parents. The May 1970 Memorandum specifically provides that “[s]uch notice in order to be adequate may have to be provided in a language other than English.”

### **Overview of the District**

The District, located in northeastern Ohio, is the second largest school district in the state of Ohio. The District is a K-12 district with 96 schools, consisting of 66 preK-8 or K-8 schools, 23 high schools, and 7 schools with varying class ranges. During the 2010-2011 school year examined in OCR’s review, the average daily student enrollment in the District was 43,202, of which 68.2% of the students (29,466) were African American; 14.6% were white, non-Hispanic (6,322); 13.2% were Hispanic (5,691); and 3.0% were multi-racial (1,307).

During the 2011-2012 academic year, the average daily student enrollment in the District dropped to 40,871, of which 13.8% (5,629) of the students were Hispanic. For the 2012-2013 academic year, the average daily student enrollment in the District was 38,725, of which 14.4% (5,586) of the students were Hispanic. In addition, 7.1% (2,764) of the

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<sup>1</sup> On December 3, 1985, OCR issued a policy memorandum, “The Office for Civil Rights’ Title VI Language Minority Compliance Procedures” (December 1985 memorandum) that clarified OCR’s standard for determining compliance with the May 1970 memorandum. Subsequently, on September 27, 1991, OCR issued a policy memorandum entitled “Policy Update on Schools’ Obligations Toward National Origin Minority Students with Limited-English Proficiency” (September 1991 memorandum), that outlined the standards and procedures used to evaluate school districts for compliance with Title VI, including requiring districts to have procedures in place for identifying EL students. The September 1991 memorandum, which must be read in conjunction with the previous two documents, specifically states with respect to specialized programs that unless “the program or program component requires proficiency in English language skills for meaningful participation, the recipient must ensure that evaluation and testing procedures do not screen out LEP students because of their limited-English proficiency. To the extent feasible, tests used to place students in specialized programs should not be of a type that the student's limited proficiency in English will prevent him/her from qualifying for a program for which they would otherwise be qualified.”

students enrolled in the District were limited-English proficient (LEP). Other than English, Spanish is the most frequently-used language by students and parents in the District (80.6% of the District’s LEP students (2,227) were Spanish-speaking.)

OCR’s review focused on the District’s course and program offerings at the high school level. The District offers a variety of high school choices for its students, including home schools (the default option for students) and city-wide draw schools, which are schools of choice. Home (or residential) schools are neighborhood-based schools; students residing within the defined geographic area of the home school are guaranteed enrollment. Students are presumed to enroll in their home school unless they request enrollment in a different high school. Home schools at the high school level offer the general curriculum and may also offer specialized programs. There are eight high school regions in the District, including Collinwood, East Tech, Glenville, John F. Kennedy, John Adams, John Marshall, Lincoln West, and James Ford Rhodes.

City-wide draw schools offer some of the District’s specialized programs. Students may self-select to attend a city-wide draw school or a different neighborhood school by completing an online “school of choice” form and identifying, in order of preference, the schools or programs they would like to attend. Students are selected by lottery for these schools, with some exceptions, discussed below. In the ninth grade, students are not guaranteed enrollment in any city-wide draw school, absent special circumstances, such as if the assignment is necessary to provide a free, appropriate public education to a student with a disability or to provide necessary English language services to an LEP student who needs the services provided in a newcomers program designed to provide students with a comprehensive grasp of the new language in a timely manner so that they can successfully transition to a mainstream school.

Cleveland’s Hispanic population is heavily concentrated on the near west side of Cleveland in the area in which Lincoln-West High School is located.<sup>2</sup> The majority of the District’s Hispanic students attend school on the west side of Cleveland. For example, the four largest west-side District high schools (John Marshall, James Ford

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<sup>2</sup> See, e.g., [http://urban.csuohio.edu/nodis/maps/2010maps/pct\\_hispanic\\_4cat.pdf](http://urban.csuohio.edu/nodis/maps/2010maps/pct_hispanic_4cat.pdf); [http://urban.csuohio.edu/nodis/gis\\_CBMaps.html](http://urban.csuohio.edu/nodis/gis_CBMaps.html); <http://planning.city.cleveland.oh.us/cwp/popCharts.php?graph=11>. These 2010 census data maps show Cleveland’s Hispanic population. As an example, Lincoln-West High School is located within the Clark-Fulton region, which area is 30.1- 48.8% Hispanic. In addition, the District represented in its data response to OCR that “due to historical migration patterns, Cleveland’s Hispanic community is predominantly concentrated on the near west side of Cleveland. Many Hispanic families have a natural affinity with the west side, as the vast majority of Spanish-speaking institutions and businesses are located there...such as churches, social service agencies, community centers, stores, etc. Thus, by default, the majority of Hispanic students will attend school on the west side, not taking full advantage of educational opportunities across the District.” The District’s data response also stated that “the city of Cleveland has historically been two cities, with an east side and west side culture/community/experience developing.”

Rhodes, Lincoln-West, and Max S. Hayes) enrolled 22.1% of the District's entire Hispanic preK-12 student population during the 2012-2013 school year.<sup>3</sup>

### **Summary of Review**

During its investigation, OCR interviewed District administrators and staff and reviewed extensive documentation provided by the District. In addition, OCR visited the John Hay School of Architecture and Design, the Cleveland School of Science and Medicine and the Metropolitan Cleveland Consortium STEM High School.

- **The District's STEM Schools and Programs**

Four District high schools are STEM "schools": Cleveland School of Science and Medicine (CSSM), Metropolitan Cleveland Consortium STEM High School (MC<sup>2</sup>STEM), Design Lab-Early College @ Health Careers (Design Lab), and Garrett Morgan School of Science. The District also has STEM-themed programs at three additional schools: the East Technical Academy Engineering and Science (East Tech), New Tech East, and New Tech West. These schools incorporate STEM-themed training into their curriculum and academic programs.

With regard to STEM K-8 feeder schools, the District has K-8 schools with talented and gifted programs and five preK-8 and K-8, program-based STEM schools. Four of these elementary schools are located on the east side of Cleveland, and one is located on the west side. According to the ODE data provided by the District for the 2012-2013 school year, three of these east side schools enrolled fewer than 10 Hispanic students each, so no count was provided. The five schools enrolled fewer than 100 Hispanic students (5.3% of the total enrollment of 1,874 students in the five STEM K-8 schools, compared with the 14.4% rate for the enrollment of Hispanic students across the District in all grades).

- *John Hay Cleveland School of Science and Medicine (CSSM)*

CSSM is located on the east side of Cleveland. CSSM offers a specialized curriculum designed to prepare students for postsecondary education and careers in science, medicine and related fields, and is, therefore, intended to attract students interested in future careers in medical fields. CSSM also provides postsecondary education opportunities at the following local colleges and universities: Baldwin Wallace University, Case Western Reserve University (Case), Cleveland State University (CSU), and Cuyahoga Community College (Tri-C). Ninth-grade students participate in patient case studies; tenth-grade students engage in community outreach and plan, organize, and

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<sup>3</sup> John Marshall had a total Hispanic student enrollment of 141 students, or 16.5% of its total student population. James Ford Rhodes' Hispanic student population was 403 (33.6%); Lincoln-West's was 517 (46.6%); and Max S. Hayes' was 174 (30.7%). These four schools (out of the 96 total District schools) therefore enrolled 1,235 Hispanic students during the 2012-2013 school year, 22.1% of the District overall total of 5,586 Hispanic students.

host a health fair; and eleventh- and twelfth-grade students are able to observe live surgeries in their classrooms and participate in internships at local hospitals.

CSSM is the only District STEM program with a competitive application process. The school accepts around 90 to 100 new students out of approximately 400 to 500 applicants per year. Applications for the CSSM program are submitted to the CSSM building administration, and the admission decisions are made at the building level. In making admission decisions, the school admissions team looks at the applicant's grade point average (GPA) from elementary school, attendance records, Ohio Achievement Assessment (OAA) test scores, recommendations from math and science teachers, and student performance during an interview. Additionally, CSSM administers a placement test (from a scholastic testing service), which has two parts, verbal and quantitative, and utilizes what the principal described as an aptitude method of testing. The test focuses on reading and math, which the principal explained is because a student's success in high school and college requires the ability to read and write. The test has only been offered in English, and is not translated into any other languages. District officials stated that no applicants have ever requested an interpreter for the student interview or for facilitating the CSSM admissions process.

The District reported to ODE that CSSM had 4.5% Hispanic enrollment (16 out of 342)<sup>4</sup> during the 2010-2011 school year, saw a slight increase to 5.5% Hispanic enrollment (20 out of 347) for the 2011-2012 school year, and is currently at 5.7% Hispanic enrollment (21 out of 371) for the 2012-2013 school year. ODE designated CSSM as "Excellent" for the 2010-2011 and 2011-2012 school years. For the 2012-2013 academic year, CSSM received a "Performance" rating of A and a "Gap Closing" rating of A.<sup>5</sup> The program was full for the 2012-2013 school year and regularly fills to capacity.

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<sup>4</sup> The numbers of Hispanic students enrolled and the corresponding enrollment percentages cited in this letter were obtained at ODE's public website. ODE does not report the enrollment numbers for groups with fewer than ten students. As a result, the actual number of students enrolled in each of the schools discussed in this letter may be slightly higher than reported here and the ODE reported enrollment percentages (which at times appear to be incorrect) are based on ODE's larger enrollment numbers.

<sup>5</sup> ODE designations for the 2010-2011 and 2011-2012 school years reflect school performance reports, issued annually, detailing students' performance on standardized statewide tests, rates of improvement on those tests, student attendance and graduation rates. The six designations, from lowest to highest, were Academic Emergency, Academic Watch, Continuous Improvement, Effective, Excellent, and Excellent with Distinction. This designation system was replaced with a letter grading system for District schools' performance for the 2012-2013 school year. The system provides grades for schools and school districts on a number of measures, including student performance on the state test (*i.e.*, how many students passed the test), graduation rates, and "gap closing", which measures the academic performance of specific groups of students, such as racial and demographic groups against all students in Ohio to determine if there are gaps in academic achievement between groups of students. However, ODE's webpages for the District's school report cards state that ODE is reviewing the District's 2012-2013 results based on findings made by the state auditor.

- *MC<sup>2</sup>STEM*

MC<sup>2</sup>STEM has several locations. Ninth grade is located at the Great Lakes Science Center, which is centrally located in downtown Cleveland. Tenth grade is located at General Electric's Nela Park site in East Cleveland, a suburb on the east side of Cleveland. Eleventh and twelfth grades are now located on the campus of CSU, on East 21<sup>st</sup> Street, which is on the east side of Cleveland near downtown. Prior to the beginning of the 2013-2014 school year, these classes were held in a school east of downtown.

The District describes MC<sup>2</sup>STEM as providing college preparatory, project-based instruction in science, technology, engineering, and math. It includes a fabrication laboratory (fab lab) comprised of off-the-shelf, industrial-grade fabrication and electronics tools, wrapped in open source software and programs written by researchers at the Center for Bits & Atoms at the Massachusetts Institute of Technology (MIT). MC<sup>2</sup>STEM has 83 partners, primarily private companies, who help to determine the curriculum at the school. In addition to providing the physical location for the tenth-grade program, General Electric, one of the school's partners, provides instructional support, job shadowing opportunities, project planning and implementation, and FIRST (For Inspiration and Recognition of Science and Technology) robotics mentors. Other significant partners include the Great Lakes Science Center, CSU, and the National Aeronautical and Space Administration (NASA).

The only requirement for attending MC<sup>2</sup>STEM is the standard requirement to complete the school of choice form and select MC<sup>2</sup>STEM as one of the student's choices. There are no admission criteria or application requirements unique to this program.

The District reported to ODE that during the 2010-2011 school year MC<sup>2</sup>STEM had a 6.4% Hispanic enrollment (14 out of 211), saw an increase in Hispanic enrollment to 7.7% during the 2011-2012 school year (21 out of 268), and is currently at 7.3% Hispanic enrollment (21 out of 280) for the 2012-2013 school year. The District provided ODE with data on Hispanic student enrollment at MC<sup>2</sup>STEM by grade level for the 2011-2012 school year. According to this data, eight of the 93 students in the ninth grade, four of the 60 students in the tenth grade, five of the 57 students in the eleventh grade, and four of the 60 students in the twelfth grade were Hispanic. MC<sup>2</sup>STEM had open seats for the 2012-2013 school year.

For the 2010-2011 school year, ODE designated MC<sup>2</sup>STEM as "Excellent." The school's ODE designation changed from "Excellent" to "Effective" for the 2011-2012 school year. For the 2012-2013 academic year, MC<sup>2</sup>STEM received a "Performance" rating of B, and a "Gap Closing" rating of B.

- *Design Lab*

The Design Lab is located on the east side of Cleveland, where MC<sup>2</sup>STEM was formerly located. The District's publication describes the Design Lab as having a rigorous and project-based curriculum, using all four STEM disciplines and focusing on four areas of design: industrial design, product design, visual communications design, environmental design, and experiential (or event) design. Students have the opportunity to take honors courses in math and science along with college courses for dual credit; students can earn up to 60 college credits. The Design Lab does not have any special admission criteria or application process. According to one school official, in the summer of 2012 the Design Lab was three quarters full for the 2012-2013 school year, and, in early September 2012, the program was not full.

ODE did not report or calculate Hispanic enrollment at the Design Lab for the 2010-2011 school year because fewer than ten Hispanic students were enrolled out of a total student enrollment of 215. The District's reporting of Hispanic enrollment at the Design Lab did not change in its 2011-2012 or the 2012-2013 report to ODE. Total enrollment reported in the 2012-2013 report was 215 students.

For the 2010-2011 school year, ODE designated the Design Lab as "Effective" and for the 2011-2012 school year the designation changed to "Continuous Improvement." For the 2012-2013 academic year, Design Lab received a "Performance" rating of D, and a "Gap Closing" rating of F.

- *Garrett Morgan School of Science*

The Garrett Morgan School of Science is located at 4016 Woodbine Avenue, in Ward 3, on Cleveland's near west side, and includes grades 9-12. Garrett Morgan previously housed the New Tech West Program, which was relocated to the Max Hayes High School building at the beginning of the 2011-2012 school year. The School of Science, which began in 1977, is described by the District as having a thematic, science-based, project-oriented, and college-preparatory curriculum. The science program, which is encompassed in the core curriculum, focuses on the earth's organisms and how they relate to the living environment. Enrollment is open to any interested student, but the District's printed materials state that consideration is given to students who show a commitment to academic excellence and an aptitude and interest in science.

The District's website for this school provides information suggesting that there is an application process to enroll in this school. It states that students interested in enrolling in the School of Science must fill out a student application (available online), submit an essay, and provide teacher recommendations.<sup>6</sup> However, according to District officials, this is no longer applicable, and students can attend Garrett Morgan by selecting it as a choice during high school enrollment.

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<sup>6</sup> <http://net.cmsdnet.net/garrettmorgan/>

For the 2010-2011 school year, ODE designated Garrett Morgan as “Effective.” During the 2010-2011 school year, the Garrett Morgan School of Science reported to ODE that it had 20.6% Hispanic enrollment (49 out of 232). For the 2012-2013 school year, the Garrett Morgan School of Science was full and the School did not accept ninth-grade students. The District’s 2011-2012 report to ODE shows an increase in Hispanic enrollment from 20.6% to 24.3% (76 out of 307).

For the 2012-2013 academic year, the Hispanic enrollment was at 25.5 % (79 out of 301). The school’s ODE designation for the 2011-2012 academic year has changed from “Effective” to “Continuous Improvement.” For the 2012-2013 academic year, Garrett Morgan received a “Performance” rating of C and a “Gap Closing rating of D.

- *East Technical Academy Engineering and Science (East Tech)*

East Tech is located on the East Technical Academic Campus at 2439 East 55<sup>th</sup> Street, in Ward 5, on the east side of Cleveland. The School includes three programs: the Engineering and Science Tech Academy, a 9<sup>th</sup> Grade Academy, and the Community Wraparound Academy. The Engineering and Science Tech Academy focuses on combining a rigorous academic curriculum with hands-on experience in current science, engineering, and technology applications. Students create portfolios of projects and are expected to gain readiness for college, vocational training, internships, entrepreneurial ventures, apprenticeships, and trades.

During the 2010-2011 school year, two Hispanic students were enrolled in East Tech out of a total student enrollment of 803 (0.25%). ODE did not report Hispanic enrollment at this school because it was fewer than ten students. The District’s reporting of Hispanic enrollment at East Tech did not change in its 2011-2012 or the 2012-2013 report to ODE. Total enrollment reported for the School for 2012-13 was 565 students.<sup>7</sup>

For the 2010-2011 school year, ODE designated East Tech as “Academic Emergency.” However, student performances for the Engineering & Science Tech Academy are not recorded separately. The school remained designated as “Academic Emergency” during the 2011-2012 academic year. For the 2012-2013 academic year, East Tech received a “Performance” rating of D and a “Gap Closing” rating of F.

- *New Tech East and New Tech West*

New Tech West is located in Max Hayes High School on 4600 Detroit Avenue, in Ward 15, on the west side of Cleveland. New Tech East is located in the East Tech Academic Campus referenced above. These programs offer project-based learning utilizing both group work and one-on-one computer work. Both programs emphasize web-design and other technology-based projects.

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<sup>7</sup> The enrollment figures reported for East Tech to ODE include the total enrollment of the three Academies at the school. Thus, it is not clear, for example, how many of the 565 students reported for the 2012-13 school year were enrolled in the East Tech STEM program.

During the 2011-2012 school year, none of the 100 students enrolled at New Tech East were Hispanic. ODE did not report Hispanic enrollment because it was fewer than ten students. New Tech West, which was located at Garrett Morgan during the 2010-2011 school year, reported to ODE that it had 24.9% Hispanic enrollment (32 out of 122). According to one District witness, however, the Hispanic enrollment at New Tech West dropped when the location of the program moved from Garrett Morgan to the Max S. Hayes High School for the 2011-2012 school year, but the District did not provide statistics on enrollment for the 2011-2012 school year.

According to one District official, both New Tech East and New Tech West had openings for the 2012-2013 academic year. For the 2010-2011 school year, ODE designated both New Tech East and New Tech West as “Continuous Improvement.” According to the 2011-2012 ODE report for New Tech East, it remained designated as “Continuous Improvement” while New Tech West was designated as “Effective.” For the 2012-2013 academic year, New Tech East received a “Performance” rating of D and the “Gap Closing” measure was not rated. New Tech West received a “Performance” rating of B and a “Gap Closing” rating of B.

In the 2011-2012 and 2012-2013 reports, ODE did not report Hispanic enrollment for New Tech East because it continued to have fewer than ten Hispanic students. Total enrollment reported in the 2012-2013 report for New Tech East was 149 students. However, the 2011-2012 ODE report for New Tech West showed a slight increase from 24.9% to 25.4% in Hispanic enrollment (46 out of 170). Early in the 2012-2013 school year, there were openings in the programs at New Tech East and New Tech West as well. For the 2012-2013 school year, the Hispanic enrollment rate at New Tech West was 25.9% (64 out of 244). OCR notes that this information does not support the statement made by one District witness who reported that Hispanic enrollment had decreased when the program was moved from Garrett Morgan to the Max S. Hayes High School building.

In sum, Hispanic enrollment in three of the District’s high school STEM schools and programs falls far below the Hispanic student enrollment in the District generally. During the 2012-2013 school year, Hispanic students were disproportionately under enrolled in the District’s STEM high schools and programs with fewer than 210 enrolled Hispanic students. Two schools, MC<sup>2</sup>STEM and Design Lab, had open seats for the 2012-2013 school year. Notably, at the District’s two best performing high schools, CSSM and MC<sup>2</sup>STEM, Hispanic enrollment is either less than or close to only 50% of the rate of the District’s overall Hispanic student enrollment. Similarly, Hispanic enrollment is low at East Tech and New Tech East. In addition, there is very low Hispanic enrollment in the District’s STEM elementary schools, four out of five of which are located on the east side of the city. With only one exception, there are no particular criteria for enrollment, other than student selection, and two of the STEM schools on the east side, including MC<sup>2</sup>STEM and the Design Lab, had openings for students who were interested in attending these schools at the beginning of the 2012-2013 school year. OCR notes that the only two STEM programs with sizeable Hispanic student enrollment,

Garrett Morgan and New Tech West, are located on the west side of Cleveland, while all the other programs are located on the east side.

- **District Transportation Policies**

OCR reviewed the District's transportation policies to determine if they might be a possible obstacle to Hispanic student participation in the STEM schools and programs in the District. OCR's investigation revealed that, at the high school level, 90% of District students use public transportation to travel to and from school.

Since 2000, the District has been offering free public transportation through the Greater Cleveland Regional Transit Authority (RTA) for high school students enrolled in a District school who reside more than three miles from their home school or a city-wide draw school. The longest RTA travel for students, going from the far west side to the far east side of the city, is approximately 90 minutes. The longest District school bus ride is 80 minutes. The District notifies high school students of the free RTA transit for qualifying students (as described above) by a mailer prior to the beginning of the school year.

High school students attending a home school outside their residential area (a voluntary transfer) have to provide their own transportation.

At the beginning of the 2012-2013 school year, the District also began offering a shuttle service for students who reside more than one mile and less than three miles from their home school and are enrolled in their home school. The District's director of transportation explained that, prior to the 2012-2013 school year, high school students who lived within three miles of their school either walked to school, provided their own transportation, or could purchase RTA passes at the District's discounted rate.

High school students living more than one mile and less than three miles from their home school can take a shuttle to their home school, which stops at designated hub locations at designated times. This option is available only for home schools. The District posts the shuttle schedule on its website in both English and Spanish. Additionally, the District provides school bus transportation for students attending its newcomers program because it is easier for them.

“Scattergrams” the District provided showing the location of students attending each of the STEM schools identified above during the 2011-2012 school year reflect that for the 2011-2012 school year each of the STEM schools, and particularly MC<sup>2</sup>STEM, drew students from every part of the city of Cleveland, in a relatively even distribution, with a slightly higher enrollment of students from the east side of Cleveland where the program is housed. Prior to the 2013-2014 school year, the programs at the John Hay and Jane Addams (now Health Careers) buildings had a larger concentration of students from the east side of Cleveland but still drew students from throughout the city. The program at

Garrett Morgan drew more students from the west side of Cleveland, but, again, drew students from throughout the city.

- **Communication with Hispanic LEP Parents**

OCR examined to what extent the District communicates information specifically regarding its STEM schools and programs to Hispanic parents and students, including EL students and LEP parents, such as information about the high school program options available to students; the importance, benefits, and success of the various STEM programs; the availability of transportation to the programs; entrance requirements for the programs; available support services, including language support services; and practical information, such as how to enroll in the programs.<sup>8</sup>

The District has a multilingual office, located on the campus of Thomas Jefferson International Newcomers Academy, through which District staff communicates with Hispanic parents regarding various matters. For example, the multilingual office provides outreach, notification, and information to LEP parents about high school options and programs the District is sponsoring such as the high school choice fair. However, one District administrator expressed the view that there is a great need to recruit Hispanic students into the STEM programs and more needs to be done in this respect.

One District official told OCR staff that the District's primary method of communicating with all parents and students is through its website and publications. This official stated that the website posts information in approximately 70 different languages using Google Translate. Another District official informed OCR that "student ambassadors" have been designated and that they are the most effective communicators to students, particularly in providing frank dialogue regarding high school opportunities.

OCR reviewed the District's website prior to the start of the 2013-2014 school year and confirmed that, at this time, the information on the website can be translated using Google Translate into at least 11 languages, including Spanish.<sup>9</sup> Prior to the beginning of the 2013-2014 school year, however, the District posted important information on its website in links to pamphlets that were in Adobe format and could not be translated using Google Translate. Some documents that were posted on the website in Adobe format were translated into Spanish, including information on registration for kindergarten, the student code of conduct, and a pamphlet titled "back to school hotline" with contact information for transportation, registration, and other departments that may need to be contacted at the beginning of the school year. The District also provided on its website

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<sup>8</sup> OCR is presently monitoring an agreement under Title VI concerning the District's communications with national origin minority LEP parents and guardians.

<sup>9</sup> Once a user has selected from the translation drop-down menu, however, a screen appears that allows the user to obtain at least a partial translation of the webpages in approximately 80 different languages.

Spanish-translated versions of its Cleveland Plan and a pamphlet for outside organizations listing ways to help the District.

Significantly, OCR notes that prior to the 2013-2014 school year the links on the website to information on the District’s “high performing schools” and “new and innovative school choices” took the user to pamphlets that were in Adobe format; the website did not provide Spanish-translated versions of these pamphlets. Although the District told OCR that it translated its brochure on new and innovative programs into Spanish, the District was not able to produce a translated copy of the brochure. The District now includes information about high performing schools and new and innovative schools on its website in a format that can be translated using Google Translate. In addition, the website has a link to “frequently asked questions” about transportation that explains the transportation options the District offers to its students and how students attending programs outside of their residential area can obtain transportation. This document is now on the website in a format that can be translated using Google Translate.

- **Information about STEM Program Options**

Generally, District K-8 schools do not have counselors. The District has, however, created a transition program for eighth-grade students to help them determine their interests and to match their interests with the various programs available at the District’s high schools. The goal of the program, which has been in existence for six years, is to increase graduation rates in the high school. The District targets students in eighth grade to teach and reinforce the skills they will need in high school, such as proper communication and note-taking. Also, the program encourages students to consider STEM programs, higher education opportunities, and other educational opportunities. Staff running the program, however, did not provide any specific examples for how the District encourages Hispanic students toward STEM programs. The District provided OCR with sample lesson plans from this transition program. The sample lessons show that skill development is a part of the curriculum; in the sampling provided, there are no references to STEM programs or the benefits of a STEM education.

Each eighth-grade student receives a booklet entitled “Destination Graduation,” describing all the high school programs at the District. This 54-page booklet offers information regarding graduation requirements and a listing of all the high school programs at the District, with a description of what they have to offer. The booklet was not available in Spanish translation prior to the 2013-2014 school year, and although it was available on the District’s website it was not translated into Spanish.

In addition, the District holds a high school choice fair showcasing the District high school options. The fair is held in the fall of every school year. The District provided OCR with a copy of a flyer advertising the high school choice fair in both English and Spanish. However, a pamphlet describing the importance of attending one of the new

and innovative schools was not translated into Spanish at the time of OCR's visit to the District, nor was it on the District's website.

Students are transported to the high school choice fair during the school day, which occurs over four days. During the 2011-2012 school year, the high school choice fair was held at the CSU Convocation Center. Each high school and/or program at the District has tables set up with information about the school. Eighth-grade teachers attend along with bilingual office staff, who have their own table. The fair includes a Saturday session for parents/guardians, with workshops on how to prepare the students for school. The District provides families with transportation to the fair, including bus tickets, and, in the past, also has provided bussing.

District staff from the STEM schools stated that staff members and students representing the schools at the fair may not speak Spanish. They were not certain if an interpreter was available at the fair. Information disseminated about the fair and STEM programs were not translated into Spanish. The STEM schools also hold open houses and send informational flyers about the open houses to all K-8 schools. These informational flyers were also not translated into Spanish. The open houses sometimes take place in the evenings and sometimes during the day. If the open house is held during the day, the District offers transportation.

OCR staff viewed the MC<sup>2</sup>STEM website and found that prior to the 2013-2014 school year there was information about the school, articles of interest, and a page for parents, with links to documents. This information was not translated, and the page, at the time, did not include an option for Google Translate.

Prior to the 2013-2014 school year, the CSSM website posted information about application requirements for the program, including testing dates and times for necessary application tests, and links to application forms. In addition, the website contained general information about the program, the success of the program, curriculum, special programs, classroom information, and the like. The website did not offer Google Translate (although it does now), and none of the documents appeared to be translated into Spanish.

OCR staff examined the websites of Garrett Morgan and Design Lab (Design Lab is a designated STEM school). Both websites contained information about the programs at the schools and the benefits of enrolling in the programs. Prior to the 2013-2014 school year, the information on the websites was not translated into Spanish, and Google Translate was not an option. On both websites, Google Translate has been added as an option for the 2013-2014 school year.

OCR examined practices regarding communication to parents and students about student assignments and enrollment. The District offices that provide student assignment and enrollment services frequently respond to questions from parents regarding school choices in the District or the quality and climate at different schools. No one in these

offices spoke Spanish. The District referred calls from Spanish speakers to the multilingual office for information. Likewise, enrollment forms for high school are typically completed by filling out a computerized enrollment form. The District's enrollment website was not translated into Spanish, although it now can be used with Google Translate. In addition, the website currently includes a Spanish version of the District enrollment form. In addition, the multilingual office provides assistance to LEP parents and EL students in navigating the District's online enrollment process.

- **Information about Alternative Available Language Services at STEM Programs**

The District's website states that it offers bilingual/English as a Second Language (ESL) instruction for EL students in grades K-12. It also states that bilingual self-contained instruction or support in the native language is available at selected schools, which it lists. This list includes only two high schools: Max Hayes and Lincoln-West. The website states that the District also provides "itinerant bilingual tutorial services" at other schools and vocational sites and at special education programs. District staff responsible for ESL services told OCR staff that nine schools in the District offer comprehensive services for ESL learners. Comprehensive support means specific instructional materials and resources, certified teachers and support staff, professional development at the school level on an ongoing basis, support for the principals in servicing students, ongoing data analysis and monitoring of student progress, and attendance at meetings and at the planning of those meetings to support the schools.

According to the District administrator responsible for ESL services, the District does not provide the comprehensive services at all the other District schools and programs, including all the STEM programs, because of the lack of certified teachers to provide the services. Instead, the District assigns paraprofessionals to work with the teachers in supporting the students and trains the staff at those schools on how to educate EL students. The EL students going to those schools receive tutoring for at least one period or half a period a week. The services available are based on the District resources.

- **Site Selection for STEM Programs and Feeder Patterns**

The District stated that, in selecting locations for its STEM programs, the primary criteria are whether there is a willing partner (STEM or other curricular focus area) within the area, a fit with curricular needs, cost, and ease of access to public transportation. The District also considers whether it has existing buildings that it can use to house the program.

District staff stated that when considering placement of STEM programs the District identifies a requirement or need; meets with the community; conducts a "central office" analysis; obtains principal input; and examines district-wide need and population need, which brings about a geographic analysis of where there is program availability. The

District also considers the bussing and support the District will be able to provide to students. The District does a group gap analysis of needs and a cost analysis, and also considers what is working nationally for other school districts. Proximity to public transportation is also an important factor. Specialized programs also typically involve grant funding so that grantors may also have an impact on the location of a program.

The design process for a STEM program, which includes determining location, involves a design team comprised of a diverse group of participants from a cross-section of the community, including community organizations, such as Esperanza, Inc. (advocacy group for Hispanic students in Cleveland), technical practitioners, nonprofit organizations, District personnel, and others. In addition, members of a regional STEM hub weigh in and are active participants in the design process for a STEM school. The STEM hub is a consortium of STEM-related practitioners spread throughout the community, higher-education representatives, non-profit representatives, and organizations that come together regularly on behalf of the District as an advisory board to hear about the progress and challenges of the STEM schools. The design team participates in the whole design process of a STEM program, including development of curriculum, identification of best practices, student recruitment, staffing, facilities selection, program location, and identification of program needs (e.g., space requirements). District staff stated that a STEM program also needs to be a resource for the community at large, and the design team takes this into consideration.

District staff advised OCR that location was particularly important for some of the STEM schools with specific spatial and geographic needs. For example, one program requires a space large enough to accommodate the fab lab, a high-tech fabrication laboratory, and transportation for students to STEM practitioners. For other programs, proximity to postsecondary institutions and area hospitals is critical because of partnerships with those institutions. These partnerships permit high school students to walk to the various college campuses to take courses or walk to the Cleveland Clinic to view a surgery. An additional factor important to location is proximity to potential internships.

### **Agreement**

The District advised that it will continue its ongoing efforts to provide all students with equal access to its science, technology, engineering, and mathematics (STEM) programs, as required by Title VI and its implementing regulation. As such, prior to the conclusion of OCR's investigation, the District indicated its willingness to enter into an agreement with OCR to voluntarily resolve the issues raised in the compliance review prior to the conclusion of OCR's investigation. Therefore, on November 5, 2013, the District submitted the enclosed resolution agreement to resolve the compliance review. The resolution agreement outlines the action steps that the District will take to ensure equal access for Hispanic students to the District's STEM programs at the District's three STEM high schools and the four STEM-focused programs in other high schools.

Pursuant to the resolution agreement, the District will form a broad-based committee, which will include District staff, students participating in the STEM programs, parents of elementary, middle and high school students, STEM business representatives, and community leaders, as well as an expert consultant if determined necessary by the District. The committee will conduct a comprehensive assessment of District STEM programs relating to access to and enrollment of Hispanic students in the high school STEM programs. The committee's assessment will include surveys or interview of students and parents and the collection and review of data relating to the District's STEM programs.

The committee will identify and assess potential barriers to increased student participation in the STEM programs, including any particular barriers unique to Hispanic students. Among the potential barriers to be examined will be the number, subject matter, and geographic location of STEM programs, participation of K-8 students in project-based learning and/or gifted and talented programs and/or other programs that may increase the likelihood of participation in high school STEM programs, District communications and outreach, peer pressure, teacher training and incentives to teach STEM courses, early awareness by students and parents of the available STEM programs and pipeline from elementary and middle schools to these programs, registration and enrollment requirements for STEM programs, transportation (including effect of time restrictions for using RTA transit cards on a student's ability to participate in extracurricular activities), and the availability of EL services and support services for students enrolled in or preparing to take STEM programs. By the end of the 2013-2014 school year, the District will develop and provide OCR with a plan based on the committee's written recommendations to ensure equal access to its K-8 and high school STEM programs and will implement the plan following OCR's approval.

The District will specifically review and revise its admissions process and enrollment criteria as necessary to ensure that these do not directly or indirectly deny or exclude students on the basis of national origin or their need for EL services. The District will ensure that any enrollment criteria used for STEM programs, such as vocabulary tests or interviews, do not have the effect of denying students access to any STEM program based on limited English proficiency/national origin. The District will also evaluate and make changes to its academic counseling services at the high school to ensure that students are fully informed about the available program and course options, including STEM programs, and directly and personally encouraged to enroll in appropriately challenging programs or courses that will prepare the student for postsecondary level education.

Other steps to be taken by the District include targeted promotion of the STEM programs to Hispanic students and their parents. The information communicated will either be translated or interpreters will be made available for LEP parents, including promotional materials, pamphlets, information on websites, and information disseminated at choice fairs and open houses. Targeted outreach will also include peer presentations by Hispanic and EL students enrolled in STEM programs to encourage greater participation

of students, including Hispanic and EL students, in the STEM programs. The District will provide written notice to parents of EL students in grades 6-12 that EL services are available for students who enroll in STEM programs, based on each student's individual needs. Similar information will be posted on the District's website.

As appropriate, the District will also make changes to the current training for relevant District and school site administrators and personnel regarding the STEM programs to ensure up-to-date information is provided for District staff regarding the STEM programs and policies and procedures. Finally, the resolution agreement requires the District to conduct an annual data analysis related to the enrollment of students in STEM programs to determine whether Hispanic and EL students were provided equal access and an equal opportunity to participate in these programs.

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

OCR will monitor the implementation of the resolution agreement. OCR will not close the monitoring of this resolution agreement until it has determined that the District has complied with the terms of the resolution agreement and is in compliance with Title VI. If the District fails to implement the resolution agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the resolution agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the resolution 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.

This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR compliance review. This letter 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.

It is unlawful to harass, coerce, intimidate or discriminate against any individual who has filed a complaint, assisted in a compliance review, or participated in actions to secure protected rights.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a

request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation extended to OCR during this compliance review. If you have any questions regarding this letter, please contact Ann Millette of my staff at (216) 522-2679 or at [Ann.Millette@ed.gov](mailto:Ann.Millette@ed.gov). I will be the OCR staff person monitoring the District's implementation of the Agreement. Should you have any questions during the monitoring phase of this compliance review, you may contact me at (216) 522-2677 or at [Meena.Morey.Chandra@ed.gov](mailto:Meena.Morey.Chandra@ed.gov).

Sincerely,

*Traci Ext*

*for* Meena Morey Chandra  
Program Manager

Enclosure

cc: Wayne Belock, Esq.  
Chief Legal Counsel  
Cleveland Metropolitan School District  
1111 Superior Avenue East, Suite 1800  
Cleveland, Ohio 44114