

RESOLUTION AGREEMENT

White Plains Public School District Case No. 02-11-5001

In order to resolve Compliance Review Case No. 02-11-5001, and without admitting or conceding any violation of Federal law with respect to the issues raised in this matter pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, the White Plains Public School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below.

Action Items:

1. Consultant(s)

By May 31, 2013, the District will retain a consultant(s) with expertise in addressing the underrepresentation of African-American, Hispanic and English Language Learner (ELL) students in Enrichment Programs, Advanced/Honors Courses and/or Advanced Placement (AP) Courses to study and make recommendations as to what measures, if any, the District should take as part of its ongoing efforts to provide all students with equal access to and an equal opportunity to participate in the District's Small Group Enrichment Program (SGEP)¹; Middle School Advanced Courses²; and High School Honors and Advanced Placement (AP) Courses.³ The consultant(s) may be an independent contractor(s) for the District and/or an employee(s) of the District. The District, after retaining its consultant(s), shall promptly provide the consultant(s) with all appropriate information the consultant(s) believes is necessary to engage in this process. At a minimum, the consultant(s) will provide recommendations and assist the District, if requested, regarding Action Items 2-5 below.

2. Review and Assessment of Past Enrollment

By August 31, 2013, the District will complete a review and assessment of its SGEP, Middle School Advanced Courses, and High School Honors and AP Courses for the 2008-2009 through the 2012-2013 school years. At a minimum, the District will:

- a) review the District's enrollment data in SGEP, Middle School Advanced Courses, and High School Honors and AP Courses, including trend data, specifically considering the relationship between SGEP and Middle School Advanced Courses and enrollment in High School Honors and AP Courses;
- b) review the District's enrollment data in the Advancement via Individual Determination Program (AVID) and the Emerging Scholars Program (to be eventually replaced by

¹ Grades 3 through 6.

² Grades 6 through 8.

³ Grades 9 through 12.

AVID), including trend data, specifically considering the relationship between these two programs and enrollment in High School Honors and AP Courses;

- c) review and assess any potential barriers to increased student participation in the District's SGEP, Middle School Advanced Courses and High School Honors and AP Courses relating to:
 - i. the number and subject matter of such course/program offerings;
 - ii. participation (or lack of participation) in such courses/programs;
 - iii. any District enrollment, registration or other policies and procedures related to enrollment in such courses/programs;
 - iv. teacher training to teach such courses/programs;
 - v. communication and outreach to students and parents/guardians about these courses/programs;
 - vi. advertisement of such courses/programs;
 - vii. peer pressure;
 - viii. the need for parental approval of student participation in such programs/courses;
 - ix. early awareness on the part of parents/guardians/students of the relationship between the elementary school/middle school curriculum and the high school curriculum; and
 - x. support services for students enrolled in, or preparing to take such courses/programs.
- d) identify any other potential barriers to increased student participation in the District's SGEP, Middle School Advanced Courses and High School Honors and AP Courses;
- e) review and assess which methods undertaken by the District to date have been effective (or ineffective) for promoting early awareness of student participation in the District's SGEP, Middle School Advanced Courses and High School Honors and AP Courses;
- f) host a meeting for any interested District parents/guardians and a meeting for any interested Grade 8 and high school students to share information about High School Honors and AP Courses, identify any perceived barriers to increased enrollment of District students in such courses and solicit recommendations for increasing enrollment. The District will ensure that it effectively and widely disseminates notice of the meeting in appropriate language(s) and will hold the meeting at a time and place that it reasonably believes to be most convenient for parents/guardians and will work with parents/guardians and community leaders to encourage attendance; and
- g) consult with other similar public school districts concerning effective methods for increasing student enrollment in Enrichment Programs, Advances/Honors Courses and/or Advanced Placement (AP) Courses.

3. Surveys:

By September 30, 2013, the District will develop and administer a survey to offer students in grades 2, 5, 8 and 9-11, their parents/guardians, and relevant staff of the District the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or participation in SGEP, Middle School Advanced Courses and High School Honors and AP Courses, as applicable, and the District's efforts to provide all students with equal access to and an equal opportunity to participate in these programs.

4. Interviews:

By September 30, 2013, the District will schedule a reasonable number of date(s)/time(s) for interviews to offer relevant school administrators, faculty and staff, parents and students, including members of the student council (or equivalent body) of the District, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or participation in SGEP, Middle School Advanced Courses and High School Honors and AP Courses, as applicable, and the District's efforts to provide all students with equal access to and an equal opportunity to participate in these programs.

5. Recommendations of Consultant(s):

By October 31, 2013, in collaboration with the consultant(s), the District will review the results of the assessment of past enrollment in its SGEP, Middle School Advanced Courses, and High School Honors and AP Courses conducted in accordance with Action Item 2, as well as the surveys and interviews conducted in accordance with Action Items 3 and 4.

By November 30, 2013, the District shall obtain from the consultant(s) a written report outlining his/her (their) recommendations relating to measures the District could take to further facilitate its efforts to provide all students with equal access to and an equal opportunity to participate in its SGEP, Middle School Advanced Courses and High School Honors and AP Courses.

By January 15, 2014, the District will consider and identify what action it will take with respect to the recommendations made by the consultant(s) based on Action Items 2-4 above, and to incorporate those recommendations into Action Items 6-10 below. If the District rejects and/or modifies any recommendations made by the consultant(s), the District will provide to OCR a reasonably comprehensive explanation for the rejection or the modification of the recommendation.

6. Criteria for Identification/Selection:

By January 15, 2014, after reviewing the recommendations of the consultant(s), the District will consider whether to revise and/or expand its eligibility and selection criteria for enrollment in SGEP, Middle School Advanced Courses and High School Honors and AP Courses in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in such programs. In doing so, the District acknowledges that:

- The District has no intention of adopting any additional criteria that disproportionately exclude African-American, Hispanic or ELL students.
- If the District retains the criteria currently utilized for identification/selection rubrics, it will specifically consider whether a modest modification of such criteria (i.e., lowering or raising test cut-off scores or performance indicators, or slightly altering the teacher differentiation rating standards) will result in an increase of participation by African-American, Hispanic and ELL students.
- The District will ensure that any District/school personnel responsible for conducting any assessments or evaluations as part of the identification/selection process will receive consistent and accurate training in the implementation of any additional, revised or modified criteria; and adequate instruction on how to access information regarding students' eligibility.

The District will utilize any revised or expanded criteria adopted by the District to determine eligibility and selection for enrollment in SGEP, Middle School Advanced Courses and High School Honors and AP Courses beginning with the 2014-2015 school year. The District reserves the right to modify, reduce and/or eliminate SGEP, Middle School Advanced Courses and/or High School Honors and AP Courses, in whole or in part.

7. Parent and Guardian Outreach

After reviewing the recommendations of the consultant(s), by January 15, 2014, the District will determine whether changes are needed to its current outreach plan for the parents/guardians of elementary, middle and high school students regarding SGEP, Middle School Advanced Courses and High School Honors and AP Courses. If not already being done as part of its outreach plan, the District will ensure that the outreach conducted at each elementary, middle and high school site includes at a minimum:

- A description of the benefits and opportunities available to students in SGEP, Middle School Advanced Courses and High School Honors and AP Courses;
- Information regarding the identification/selection process for SGEP, Middle School Advanced Courses and High School Honors and AP Courses, including information about the importance of early planning in the elementary and middle school years and the need to take certain prerequisite courses to prepare students for a successful transition into High School Honors and AP Courses;
- Information regarding the identification/selection criteria (such as test scores, teacher differentiation standards, etc.) for SGEP, Middle School Advanced Courses and High School Honors and AP Courses, including when testing will be held;
- The name(s) and contact information for the committee or coordinators for SGEP, Middle School Advanced Courses and High School Honors and AP Courses at the parent/guardian's respective school site and at the District Office; and

- Information regarding how to appeal decisions made regarding the identification and selection of students for SGEP, Middle School Advanced Courses and High School Honors and AP Courses.

The District will also consider outreach to community organizations, including those that are in regular contact with the parents/guardians of African-American, Hispanic and ELL students regarding the opportunities and benefits of these programs.

8. Student Outreach

After reviewing the recommendations of the consultant(s), by January 15, 2014, the District will determine whether changes are needed to its current outreach plan for students regarding SGEP, Middle School Advanced Courses and High School Honors and AP Courses. If not already being done as part of its targeted outreach plan, at a minimum, the outreach activities should include peer presentations on a voluntary basis by available and interested African-American, Hispanic and ELL students enrolled in SGEP, Middle School Advanced Courses and High School Honors and AP Courses, including those enrolled in AVID or the Emerging Scholars Program, regarding their experiences in such courses. The District may consider and implement others actions not otherwise described in this Agreement in an effort to increase student participation in the District's SGEP, Middle School Advanced Courses and High School Honors and AP Courses, including race/ethnic-targeted recruitment and outreach efforts to directly encourage African-American, Hispanic and ELL students to consider participation.

9. Academic Counseling Services

After reviewing the recommendations of the consultant(s), by January 15, 2014, the District will determine whether changes are needed to its current academic counseling services at the middle school and high school level. If not already being done as part of its academic counseling services, the District will ensure that it provides all students, including African-American, Hispanic and ELL students with counseling that:

- reasonably informs each student of all available and relevant program and course options, including information on Middle School Advanced Courses and High School Honors and AP Courses:
 - during individual counseling sessions; and/or
 - during any group information sessions provided to students about high school enrollment and/or the college application process (group information sessions may include presentations by College admissions coordinators, principals, teachers of Middle School Advanced Courses and High School Honors and AP Courses, and voluntary testimonials from interested parents/guardians and/or a diverse group of students enrolled in in such courses); and/or
 - through written or digital materials.

- reasonably advises students of the significance given to Middle School Advanced Courses, High School Honors and AP Courses and all of their course selections by colleges in the admissions process and of the opportunity to receive college credit for certain AP courses; and
- reasonably encourages each student to enroll in programs or courses that are appropriately challenging for such student, which may include preparing the student for postsecondary level education and/or career readiness.

The District will thereafter continue to assess its counseling services to ensure that all students are reasonably informed of all available and relevant program and course options, including information on Middle School Advanced Courses and High School Honors and AP Courses.

10. District Personnel Training

After reviewing the recommendations of the consultant(s), by January 15, 2014, the District will determine whether changes are needed to its current training plan for relevant District and school site administrators and personnel regarding SGEP, Middle School Advanced Courses and High School Honors and AP Courses. If not already being done, any training plan will include, at a minimum:

- A review of the enrollment demographics in SGEP, Middle School Advanced Courses and High School Honors and AP Courses, by race, national origin and ELL status, at each school site, including comparisons to the rates at other schools in the District and the overall District rate;
- A presentation by an expert during the 2013-2014 school year, which may be the consultant(s), in best practices for identification/selection and retention of African-American, Hispanic and ELL students for these programs;
- Instruction on how to access the necessary information to identify and evaluate students for participation in these programs;
- An overview of the identification/selection criteria for these programs;
- An overview of parent/guardian and student outreach efforts regarding these programs; and
- Information or instruction regarding other actions the District may be taking in an effort to increase student participation in the District's SGEP, Middle School Advanced Courses and High School Honors and AP Courses programs, including race/ethnic-targeted recruitment and outreach efforts to directly encourage African-American, Hispanic and ELL students to consider participation.

11. Data Analysis

Beginning with the 2012-2013 school year, and annually thereafter until, and including, the 2014-2015 school year, the District will analyze data related to the identification/selection of students for SGEP, Middle School Advanced Courses and High School Honors and AP Courses each school year, to determine whether African-American, Hispanic and ELL students were identified and selected at statistically significant lower rates when compared to their representation in the population of the respective school. If so, the District will develop an action plan, which will include at a minimum:

- The resources the District will provide to the school site to support its equitable identification/selection efforts; and
- A process for school sites that have successfully implemented equitable identification practices to share strategies with other school sites.

Reporting Requirements:

Consultant(s)

1. By June 30, 2013, the District will provide documentation to OCR demonstrating that it has retained the consultant(s), including the name, contact information, qualifications (including any relevant training) and experience for the individual the District retained.

Review and Assessment of Past Enrollment, Surveys, and Interviews

2. By December 15, 2013, the District will provide to OCR a copy of the consultant(s)' written report outlining his or her (their) recommendations after the completion of the District's review and assessment of past enrollment, interviews and surveys in conjunction with the Action Items above; and
3. By January 15, 2014, the District will provide to OCR its response to the recommendations made by the consultant(s) and its plan for implementing recommendations made by the consultant(s). If the District rejects and/or modifies any recommendations made by the consultant(s), the District will provide to OCR a reasonably comprehensive explanation for the rejection or the modification of the recommendation.

Criteria for Identification/Selection

4. If, after reviewing the recommendations of the consultant(s), the District decides to revise and/or expand its eligibility and selection criteria for enrollment in SGEP, Middle School Advanced Courses and High School Honors and AP Courses, by February 28, 2014, the District will provide to OCR a draft of its revised and/or expanded eligibility and selection criteria. OCR will review the revised criteria and advise the District whether OCR has any objections to the revised and/or expanded criteria. In the event that OCR has objections, the

District agrees to work collaboratively in good faith with OCR to reasonably address such objections.

- a) After the District's adoption of the revised and/or expanded criteria, if any, the District will update any relevant printed publications and on-line publications with the revised and/or expanded criteria within a prompt and reasonable timeframe, not to exceed March 15, 2014. Inserts may be used in printed publications until re-printing.
- b) Thereafter, the District will disseminate the revised and/or expanded criteria to all relevant students, their parents, administrators, teachers and staff of the District within a prompt and reasonable timeframe, not to exceed March 15, 2014; and will utilize the revised and/or expanded criteria to determine eligibility and selection for enrollment in SGEP, Middle School Advanced Courses and High School Honors and AP Courses beginning with the 2014-2015 school year. The District will provide documentation to OCR demonstrating that the revised and/or expanded criteria were disseminated as stated above.

Parent/Guardian and Student Outreach

5. By June 30, 2014, the District will provide to OCR documentation demonstrating that the parent/guardian and student outreach plans were reasonably implemented during 2013-2014 school year consistent with Action Items 7 and 8 above, including copies of any written notices, events, and any other correspondence with parents/guardians and students.

Academic Counseling Services

6. By June 30, 2014, the District will provide to OCR documentation demonstrating that academic counseling services were reasonably implemented during 2013-2014 school year consistent with Action Item 9 above, including but not limited to a description of how these services were provided to students.

District Personnel Training

7. By June 30, 2014, the District will provide to OCR documentation demonstrating that it has provided training to district personnel during 2013-2014 school year in accordance with the Action Item 10 above, including: (a) the name(s) and title(s) of the individuals who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

Data Analysis

8. By July 31, 2013, 2014 and 2015, the District will provide to OCR the analysis of the identification/selection of students for SGEP, Middle School Advanced Courses, and High School Honors and AP Courses for school years 2012-2013, 2013-2014 and 2014-2015,

respectively, pursuant to the Action Item 11 above. At a minimum, the information provided for each school year should include:

- a) the number of students enrolled in the District, by race, national origin and ELL status;
- b) the number of students who applied for SGEP, Middle School Advanced Courses, or High School Honors and AP Courses, by race, national origin and ELL status;
- c) the number of students who were selected for SGEP, Middle School Advanced Courses, or High School Honors and AP Courses, by race, national origin and ELL status;
- d) the number of students who enrolled in SGEP, Middle School Advanced Courses, or High School Honors and AP Courses, by race, national origin and ELL status; and
- e) the District's analysis of whether selections were disproportionate for African-Americans, Hispanics and/or ELL students; and if so, the plan for addressing any problems identified.⁴

No Admission of Wrongdoing:

The District does not admit, and specifically denies, any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement solely for purposes of amicably resolving this Compliance Review and avoiding the attorneys' fees, administrative time and other expenses that will result from the continued response to and/or involvement in this Compliance Review.

Acknowledgment:

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement in compliance with the regulation implementing Title VI, at 34 C.F.R. §100.3, which was at issue in this Compliance Review. The District also understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview personnel and students in accordance with the OCR Case Processing Manual, revised January 2010, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement in compliance with the regulation implementing Title VI, at 34 C.F.R. §100.3, which was at issue in this Compliance Review. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and

⁴ OCR is amenable to the District's continued provision of the requested information in a manner that uses current District systems or databases to reduce the burden in responding to the data request. For example, the District may submit the requested information in the form of a Microsoft Excel spreadsheet. Similarly, if other information is available online, the District may provide a website address or a link where OCR may access the information.

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

Date

Dr. Christopher P. Clouet (or designee)
Superintendent of Schools
White Plains Public School District