

RESOLUTION AGREEMENT

Buffalo Public Schools OCR Case No. 02-14-1077

In order to resolve the allegation in Case No. 02-14-1077, Buffalo Public Schools (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions 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.

Action Item I: Consultant

By September 2, 2014, the District will retain a consultant with expertise in addressing the underrepresentation of minority students in criteria-based elementary and secondary schools to study and make recommendations as to what measures the District will take as part of its ongoing efforts to provide all students with equal access and an equal opportunity to participate in these programs.

The consultant will examine and make recommendations to address the root cause(s) of any disparity in enrollment and admissions rates of minority students in these schools. The consultant may be an independent contractor for the District or a District employee. The District, after retaining its consultant, shall promptly provide the consultant with all appropriate information the consultant believes is necessary to engage in this process. At a minimum, the consultant will provide recommendations to and assist the District, as requested, with Action Item II below.

Reporting Requirements:

- a) By September 15, 2014, the District will submit to OCR for review and approval, the name of the consultant to be retained consistent with Action Item 1, including a copy of the consultant's bio or resume or other summary of the consultant's qualifications and experience, the consultant's name, and a statement regarding whether the consultant is a District employee or independent contractor.
- b) Within 30 days of OCR's approval, the District will submit documentation demonstrating that the consultant has been retained, including the date the consultant was retained and the terms of any contract.

Action Item II: Review and Assessment by the District

By December 31, 2014, the District will complete a review and assessment of the admissions and enrollment rates for the District's eight criteria-based schools (the Schools) for school years 2012-2013 to 2014-2015. As part of its review and assessment, the District, at a minimum, will:

- A. review application rates, admissions rates, and enrollment data, including trend data (*e.g.*, student application rates, admissions rates, and enrollment data for each School for each year, disaggregated by race and grade);
- B. review the correlation between the application rates, admissions rates, and enrollment for each School;
- C. review the correlation between elementary and middle school performance and subsequent enrollment in the Schools, particularly criteria-based high schools, including the correlation between courses and programs offered to students and the quality of their elementary or middle school (*e.g.* is the school designated as in “good standing,” a “priority school” or a “focus school” by the New York State Education Department) as compared to the students’ elementary and middle school academic profiles (*e.g.*, grades, previous test scores, other indicators) and any additional support provided for students (such as counseling, peer mentoring groups, or tutoring or rigorous academic preparation) at the elementary and middle school levels to prepare them to become successful applicants to the Schools;
- D. review and assess any potential barriers to increased student applications, admissions and/or enrollment in the Schools, relating to:
 - 1. the location, number, and subject matter of the Schools;
 - 2. transportation to and from the Schools;
 - 3. the lack of a structured program of course offerings or lack of available foundation courses at elementary schools and middle schools to prepare students to become successful applicants and students at Schools later in their education;
 - 4. any District enrollment, registration, or other policies and procedures related to admission to or enrollment in the Schools;
 - 5. communication and outreach to students and parents/guardians about the Schools;
 - 6. advertisement regarding the Schools;
 - 7. peer pressure;
 - 8. early awareness on the part of parents/guardians/students of the relationship between success in elementary/middle school curriculum and testing and admissions at certain criteria-based high schools;
 - 9. the role of guidance counselor services;
 - 10. support services for students enrolled in the Schools or preparing to apply to/enroll in them; and
 - 11. identify any other potential barriers to increased student applications, admissions, and enrollment at the Schools.
- E. review and assess methods by which the District may expand its criteria-based schools program;

- F. review and assess which methods undertaken by the District, to date, have been effective (or ineffective) for early awareness and in encouraging students to apply to, help students be admitted to and encourage admitted students to enroll in the Schools, starting at the elementary school level;
- G. host meetings for interested District parents/guardians and age-appropriate meetings for interested first through twelfth grade students to share information about the Schools, identify any perceived barriers to increased applications and enrollment and solicit recommendations for increasing applications and enrollment. The District will ensure that it effectively and widely disseminates notice of the meeting(s) in appropriate language(s) and will hold the meeting(s) 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;
- H. develop and administer a survey to offer to parents of students in grades K-7, and students and their parents in grades 8-12, and relevant staff, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or enrollment of students at the Schools; and
- I. schedule a reasonable number of date(s)/time(s) for interviews to offer relevant school administrators, faculty and staff, and parents/guardians and students of the District, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or enrollment of students at the Schools.

Reporting Requirement: By January 30, 2015, the District will submit documentation to OCR showing implementation of the actions required by Action Item II above, including but not limited to a copy of the District’s assessment, including any trend data; any identified barriers to student applications, admissions and enrollment at the Schools; a detailed description of the effectiveness of methods undertaken by the District to encourage applications to and enrollment at the Schools beginning at the elementary school level; the date(s), location(s), and time(s) of any meeting(s) or interviews held pursuant to II(G), including a copy of the meeting minutes, participant lists, etc.; a copy of the survey conducted pursuant to II(H), including the results; and a list of the individuals interviewed, by name, title, etc., and a summary of information gathered pursuant to II(I).

Action Item III: Consultant Recommendations

- A. By January 30, 2015, in collaboration with the consultant, the District will review the results of the assessment of past applications and admissions to and enrollment in the Schools, as well as the surveys and interviews, conducted in accordance with Action Item II.

- B. By January 30, 2015, the District shall obtain from the consultant a written report outlining the recommendations relating to measures the District could take to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in the Schools.
- C. By February 27, 2015, the District will consider and identify what action it will take with respect to the recommendations made by the consultant, based on Action Item II above, and to incorporate those recommendations into the action plan it develops. If the District rejects and/or modifies any recommendations made by the consultant(s), the District will provide to OCR a detailed explanation for the rejection or the modification of the recommendation.

Reporting Requirements:

- a) By January 30, 2015, the District will provide to OCR a copy of the consultant’s written report outlining the consultant’s 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
- b) By March 20, 2015, the District will provide to OCR its response to the recommendations made by the consultant and its plan for implementing recommendations made by the consultant. If the District rejects and/or modifies any recommendations made by the consultant, the District will provide to OCR a detailed explanation for the rejection or the modification of the recommendation.

Action Item IV: Eligibility/Selection Criteria

By March 20, 2015, after reviewing the recommendations of the consultant, the District will consider whether to revise the admissions process and/or expand the eligibility and selection criteria for each of the Schools in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in these programs. The District also will ensure that:

- A. if it retains the criteria currently utilized for admissions at each of the Schools, it will specifically consider whether a modest modification of such criteria would result in increased admissions and enrollment of underrepresented minorities in the Schools;
- B. 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;

- C. it provides students at the elementary and middle school level information and assistance to ensure that such students are well prepared for the admissions processes to the Schools;
- D. each School’s waitlist and appeal process for students who apply to but are not selected for enrollment, as applicable, are clearly set forth in the District’s application materials, in letters sent to students informing them that they were not selected, and in the District’s policies related to the selection process. The information will fully explain how waitlists and appeals are handled, including all applicable time frames, necessary documentation to support an appeal, and definitions of all terms related to an appeal (e.g., “special circumstances” that would constitute acceptable grounds for an appeal); and
- E. any revised or expanded criteria adopted by the District will be used to determine eligibility and selection for enrollment in these programs beginning with school year 2015-2016, and the District will evaluate its effectiveness.

Reporting Requirements:

- a) By March 20, 2015, the District will provide to OCR the revised or expanded eligibility and selection criteria for each of the Schools, incorporating recommendations of the consultant, in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in these programs.
- b) By April 30, 2015, the District will provide documentation to OCR demonstrating that the revised or expanded criteria were disseminated to all relevant students, their parents/guardians, administrators, teachers and staff of the District; and, that any relevant printed publications and on-line publications were updated with the revised or expanded criteria. Inserts may be used in printed publications until re-printing.
- c) By June 30, 2015, and the same date in 2016 and 2017, the District will provide to OCR the number of applicants, by race and national origin, to each of the Schools; and, the number of students offered admission, by race and national origin, to each of the Schools.
- d) By July 31, 2015 and the same date in 2016 and 2017, the District will provide documentation to OCR demonstrating that it conducted an evaluation of the effectiveness of any measures taken to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in the Schools, including an analysis of data related to the admissions and enrollment of students in the Schools each school year; and, how the District plans to revise its action plan and related policies, procedures and practices as appropriate based on the results of its evaluation.

Action Item V: Parent/Guardian and Student Outreach

- A. By March 20, 2015, after reviewing the recommendations of the consultant, 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 the Schools. 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 sites includes at a minimum:
1. a description of the opportunities available to students at the Schools, and any applicable changes made at the elementary and middle school level District-wide to prepare students for success in applying to and enrolling in the Schools;
 2. information regarding the selection process for the Schools, including information about the importance of performing well on New York State English Language Arts and mathematics assessments and academically in courses during the elementary and middle school years to prepare students for admissions and enrollment at later criteria-based schools;
 3. the name(s) and contact information for Central Registration Center staff involved in the School selection process; and
 4. information regarding how to appeal decisions made regarding the identification and selection of students for the Schools.
- B. The District will also consider outreach to community organizations, including those that are in regular contact with the parents/guardians of underrepresented minority students regarding the opportunities and benefits of criteria-based schools as well as the importance of New York State English Language Arts and mathematics assessment results and academic performance during elementary and middle school.
- C. By March 20, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current outreach plan for students. 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 underrepresented minority students enrolled in each of the Schools regarding their experiences in such Schools. The District may consider and implement others actions not otherwise described in this Agreement in an effort to increase student participation, including race-targeted recruitment and outreach efforts to directly encourage underrepresented minority students to consider applying and enrolling.

Reporting Requirement: By June 30, 2015, and by the same date in 2016 and 2017, the District will provide to OCR documentation demonstrating that the parent/guardian and

student outreach plans were implemented during the previous school year consistent with Action Item V above, including copies of any written notices or other correspondence, and details and documentation of any events held with parents/guardians and students.

Action Item VI: Academic Counseling Services

By March 20, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current academic counseling services at the elementary, middle school and high school levels and make any changes necessary to ensure that all students receive counseling that:

- A. informs each student of all available schools in which they may enroll, including criteria-based school options to which they may apply, and stresses the importance of meeting the criteria for admission to such schools, including the importance of New York State English Language Arts and mathematics assessment results and academic performance. This will include individual counseling as well as inclusion of information about the Schools in any information sessions provided to students about school enrollment and the application process. These sessions may include presentations by School admissions coordinators and testimonials from a diverse group of students and from their parents/guardians, as well as from teachers and principals; and
- B. allows each student to meaningfully consider application to/enrollment in the appropriate school, including criteria-based schools that are most likely to meet their educational needs and objectives.

The District will thereafter continue to assess its counseling services to ensure that all students are reasonably informed of all available school enrollment options.

Reporting Requirement: By June 30, 2015, and by the same date in 2016 and 2017, the District will provide documentation to OCR demonstrating that academic counseling services were implemented during the previous school year consistent with Action Item VI above; including but not limited to a description of how these services were provided to students.

Action Item VII: Training for District Staff/Administrators

By March 20, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current training plan for relevant District and school site administrators, counselors and teaching staff regarding the Schools. If not already being done, any training plan will include, at a minimum:

- A. A review of the admissions/enrollment demographics in the Schools and District-wide; and a presentation by an expert, which may be the consultant(s), in best practices for identification/selection and retention of underrepresented students for the Schools;

- B. An overview of the admissions criteria for each of the Schools;
- C. An overview of parent/guardian and student outreach efforts regarding the Schools; and
- D. Information or instruction regarding other actions the District may be taking in an effort to increase student applications and admissions to and enrollment in the Schools, including race targeted recruitment and outreach efforts to directly encourage underrepresented students to consider applying and enrolling.

Reporting Requirement: By June 30, 2015, the District will provide documentation to OCR demonstrating that it has provided training to district personnel in accordance with Action Item VII 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.

Action Item VIII: Remedies for Individual Complainants' Children

By July 31, 2014, the District will review the applications of the complainants' children to criteria-based schools for school year 2013-2014; and, determine whether these children were treated the same as similarly situated applicants of other races and national origins in the admissions process. Based on this review, the District will consider whether these children should be admitted for school year 2014-2015 to the criteria-based school to which they applied. If not admitted for school year 2014-2015, the District will provide these children with support services during school year 2014-2015 to prepare these children to become successful applicants; and, re-examine whether the children could successfully enter the criteria-based school of their choice for school year 2015-2016 under the newly revised admissions criteria.

Reporting Requirements:

- a) By July 31, 2014, the District will provide documentation to OCR, for OCR's review and approval, demonstrating that the applications of the complainants' children to criteria-based schools for school year 2013-2014 were reviewed in accordance with Action Item VIII above; and, indicating the outcome of that review.
- b) By August 1, 2014, if any of these children will be admitted for school year 2014-2015 to the criteria-based school to which they applied, the District will provide documentation to OCR demonstrating that the child/children were offered admission.
- c) By June 30, 2015, if any of these children were not admitted for school year 2014-2015 to the criteria-based school to which they applied, the District will provide documentation to OCR, for OCR's review and approval, demonstrating that the child/children were provided with support services during school year 2014-2015

designed to prepare these children to become successful applicants; and, that the District has re-examined whether the children could successfully enter the criteria-based school of their choice for school year 2015-2016 under the newly revised admissions criteria.

Action Item IX: Data Maintenance and Monitoring of Changes

Beginning with school year 2014-2015, the District will maintain the following data for the just-completed school year:

- the number of students, by race and national origin, enrolled in the District’s elementary and middle schools;
- the number of students, by race and national origin, enrolled in the District’s high schools;
- the number of students, by race and national origin, enrolled in each of the Schools;
- the number of applicants, by race and national origin, to each of the Schools for the subsequent school year; and
- the number of students offered admission, by race and national origin, to each of the Schools for the subsequent school year.

Reporting Requirement: By October 31, 2015, and by the same date in 2016 and 2017, the District will submit to OCR a copy of the data referenced in Action Item IX.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which was at issue in this case. 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 staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b). The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/ Dr. William Keresztes
Buffalo Public Schools
Designee

June 26, 2014
Date