

RESOLUTION AGREEMENT

Franklin Township Public Schools Case No. 02-14-5001

In order to resolve Case No. 02-14-5001, the Franklin Township Public Schools (the District) assures the U.S. Department of Education (Department), 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.

The District's entry into this Resolution Agreement does not constitute an acknowledgement and/or admission by the Franklin Township Public Schools as to any liability or wrongdoing, but instead represents the District's desire to avoid the time, expense and uncertainty associated with the continuation of an OCR investigation, and to instead devote its time, expense and resources toward its ongoing efforts to provide all students with equal access to and an equal opportunity to participate in college and career preparatory ("CCP") courses.

Action Item I: Consultant

By December 7, 2016, the District will retain a consultant with expertise in addressing the underrepresentation of African American, Hispanic and ELL students in college and career preparatory (CCP) courses, 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 to and an equal opportunity to participate in:

1. CCP courses offered by the District; including honors courses, Advanced Placement (AP), and courses offered through the District's Apex Program and Virtual High School Program; and
2. Foundation courses at the elementary, intermediate and middle school levels; i.e., those courses that are necessary for enrollment in later CCP courses.

The consultant will review and assess these programs and courses consistent with Action Item II below, and make recommendations to address the root cause(s) of any disparity in enrollment of African American, Hispanic and ELL students in these programs and courses. 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.

Reporting Requirements:

- a) By November 22, 2016, the District will submit to OCR, for review and approval, the name of the consultant to be retained consistent with Action Item I; a copy of the consultant's curriculum vitae or resume or other summary of the consultant's qualifications and experience; and a statement regarding whether the consultant is a

District employee or independent contractor. OCR will respond within fifteen (15) calendar days.

- b) By December 7, 2016, the District will submit documentation demonstrating that the consultant has been retained, including the date the consultant was retained and terms of any contract.

Action Item II: Review and Assessment by the District’s Consultant

By January 31, 2017, the District’s consultant will complete a review and assessment of the District’s courses and programs identified in Action Item I for school years 2013-2014 through 2015-2016. As part of its review and assessment, the consultant, at a minimum, will:

- A. review enrollment data, including trend data (*i.e.*, student enrollment data for each course and program identified in Action Item I, for each year, disaggregated by race and grade);
- B. review the correlation between enrollment in the identified foundation courses and programs in Action Item I, and later enrollment in CCP high school courses and programs;
- C. review the correlation between elementary, intermediate, and middle school performance and subsequent enrollment in CCP high school courses and programs, including the correlation between the courses in which students elect to enroll during high school and their elementary, intermediate, and middle school academic profiles (*e.g.*, grades, previous test scores, other indicators);
- D. review any additional support provided for students (such as counseling, peer mentoring groups, or tutoring or rigorous academic preparation) at the elementary, intermediate, and middle school levels to prepare them for CCP courses at the high school level;
- E. review and assess any potential barriers to increased student participation in the courses and programs identified in Action Item I relating to:
 - 1. the location, number, and subject matter of such course offerings and programs;
 - 2. transportation to and from the location where the courses and programs are offered;
 - 3. the lack of a structured program of course offerings or lack of available foundation courses at the elementary, intermediate, and middle schools to prepare students for more rigorous courses later in their education;
 - 4. the role of prerequisite courses, teacher recommendations, and principal selections in student enrollment in higher level learning opportunities;
 - 5. the impact of level placement in the freshman year of high school, on student participation in higher level learning opportunities;
 - 6. any District enrollment, registration, or other policies and procedures related to enrollment in such courses or programs;
 - 7. teacher qualifications to teach such courses or programs;
 - 8. communication and outreach to students and parents/guardians about these courses and programs;

9. advertisement of such courses and programs;
 10. peer pressure;
 11. early awareness on the part of parents/guardians/students of the relationship between the elementary, intermediate, and middle school curriculum and the high school curriculum for college and career readiness;
 12. the role of guidance counselor services;
 13. support services for students enrolled in such courses or programs or preparing to enroll in them;
 14. fees or other costs imposed; and
 15. any other potential barriers to increased student participation in courses or programs identified in Action Item I.
- F. review and assess which methods undertaken by the District, to date, have been effective (or ineffective) for early awareness and in encouraging student participation in the programs and courses identified in Action Item I, starting at the elementary school level;
- G. consider ways to increase student readiness for higher level learning opportunities; including, for example, by strengthening the rigor of courses in earlier grades and increasing communication between elementary, intermediate, middle and high schools to ensure that students are better prepared for higher level learning opportunities in high school;
- H. consider whether the current criteria, method of implementation or system in general relating to the assignment of levels to incoming high school freshman might be eliminated or altered in a way that would increase access to higher level learning opportunities;
- I. host meetings for interested District parents/guardians and age-appropriate meetings for interested first through twelfth grade students to share information about the programs and courses identified in Action Item I, to identify any perceived barriers to increased enrollment and solicit recommendations for increasing enrollment. The District will ensure that it effectively and widely disseminates notice of the meeting in appropriate language(s); 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;
- J. develop and administer a survey to offer to parents of students in grades K-6 and students and their parents in grades 7-11, and relevant staff, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection, and/or participation of students in the programs and courses identified in Action Item I;
- K. 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 participation in the programs and courses identified in Action Item I; and

- L. consult with other similar, public school districts concerning effective methods for increasing student enrollment in foundation and CCP courses.

Reporting Requirement: By January 31, 2017, the District will submit a copy of the consultant’s assessment to OCR, including but not limited to the following:

- a) any trend data consistent with Action Item II(A);
- b) any identified barriers to student enrollment in such courses or programs identified pursuant to Action Item II(E);
- c) a detailed description of the effectiveness of methods undertaken by the District to encourage participation and to consider preparation of students beginning at the elementary school level identified pursuant to Action Item II(F);
- d) the date(s), location(s), and time(s) of any meeting(s) held pursuant to Action Item II(I), including a copy of the meeting minutes, participant lists, etc.;
- e) a copy of the survey, including the results, administered consistent with Action Item II(J);
- f) a list of the individuals interviewed, by name, title, etc., and a summary of information gathered pursuant to Action Item II(K); and
- g) a list of school districts or other organizations consulted by the District, including notes of such consultations and any related data collected pursuant to Action Item II(L).

Action Item III: Consultant Recommendations

- A. By February 28, 2017, the District will obtain a written report from the consultant outlining his/her 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 the courses and programs identified in Action Item I.
- B. By April 30, 2017, after reviewing the recommendations of the consultant, the District will consider whether to revise and/or expand its eligibility and selection criteria for the courses and programs identified in Action Item I, in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate. If the District retains any criteria currently used for identification/selection for the courses and programs identified in Action Item I, it will specifically consider whether a modest modification of such criteria (such as considering classroom performance) would result in an increase of students that would be considered for participation and an increase in participation by African American, Hispanic, and ELL students.
- C. By April 30, 2017, the District will consider and identify what action it will take with respect to the recommendations made by the consultant, based on Action Items II(A)-(L); and incorporate those recommendations into an action plan, with specific timeframes to enable implementation of the plan for courses and programs for school year 2017-2018. At a minimum, the action plan will address:

- The eligibility and selection criteria (including a specific description of each criterion) for the courses and programs identified in Action Item I that will be used beginning with school year 2017-2018.
 - Training for any District/school personnel responsible for conducting any assessments or evaluations as part of the identification/selection process regarding any additional, revised, or modified criteria; and adequate instruction on how to access information regarding students' eligibility.
 - How the District will provide students at the elementary, intermediate, and middle school levels information and assistance to ensure that such students are well prepared for receiving any assessments or evaluations that remain part of the identification/selection process.
 - How the District will address any potential barriers identified in Action Item II, to increased student participation in the foundation and CCP courses and programs, including but not limited to any fees or costs to participate in such courses and programs.
 - How the District will provide early awareness and encourage student participation in the programs and courses identified in Action Item I, starting at the elementary school level.
 - How the District will increase student readiness for higher level learning opportunities.
 - How the District will ensure that its appeal or waiver-in processes for students who apply to, but are not selected for enrollment in the District's courses and programs, as applicable, are clearly set forth in the District's application materials; in letters sent to such students informing them that they were not selected; and in the District's policies related to the selection process. The information should fully explain how appeals are handled and how students may waive into a program even if not selected (as applicable), 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).
- D. By July 31, 2017, the District will disseminate the revised or expanded criteria to all relevant students, their parents/guardians, administrators, teachers and staff, and will use the revised or expanded criteria to determine eligibility and selection for enrollment in foundation and CCP courses and programs beginning with school year 2017-2018.
- E. By August 31, 2017, the District will update any relevant printed publications and on-line publications with the revised or expanded criteria. Inserts may be used in printed publications until re-printing.

Reporting Requirements:

- a) By February 28, 2017, the District will provide to OCR a copy of the consultant's written report outlining the consultant's recommendations.

- b) By April 30, 2017, the District will provide to OCR, for review and approval, the revised or expanded eligibility and selection criteria, 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 foundation and CCP courses and programs. OCR will respond within sixty (60) calendar days and the District may, if necessary, respond thereto within thirty (30) calendar days
- c) By April 30, 2017, the District will provide to OCR, for review and approval, its action plan for implementing recommendations made by the consultant, with specific timeframes to enable implementation of the plan for courses and programs for school year 2017-2018. If the District rejects and/or modifies any recommendations made by the consultant, the District will provide to OCR a comprehensive explanation for the rejection or the modification of the recommendation. OCR will respond within sixty (60) calendar days and the District may, if necessary, respond thereto within thirty (30) calendar days.
- d) By June 30, 2017, 2018, and 2019, the District will submit documentation to OCR demonstrating implementation of the action plan developed in accordance with Action Item III(C), for the preceding school year.
- e) By June 30, 2018 and 2019, if any further changes are made to eligibility and selection criteria for school years 2018-2019 or 2019-2020, the District will provide to OCR, for review and approval, the revised or expanded eligibility and selection criteria.

Action Item IV: Parent/Guardian Outreach

By April 30, 2017, in conjunction with the action plan developed consistent with Action Item III, the District will develop an outreach plan for the parents/guardians of elementary, intermediate, middle, and high school students regarding its foundation and CCP courses and programs. The District will ensure that the outreach, to be conducted at each elementary, intermediate, middle, and high school site, includes at a minimum:

- A. a description of the benefits and opportunities available to students in its foundation and CCP courses and programs, and any applicable changes made at the elementary, intermediate, and middle school level to prepare students for success in such programs;
- B. information regarding the identification/selection process for the aforementioned courses/programs, including information about the importance of taking foundation courses in the elementary, intermediate, and middle school years to prepare students for enrollment in later courses and programs;
- C. information regarding the identification/selection criteria (such as test scores) for the District's foundation and CCP courses and programs;

- D. messages from building principals to all parents and/or students, regarding the availability of, and benefits of, higher level learning opportunities at the high school level, and the value of higher level learning opportunities;
- E. notification to eligible students that they should strongly consider participating in AP or other higher level learning courses;
- F. the name(s) and contact information for the committee or coordinators for the District's foundation and CCP courses and programs at the parent/guardian's respective school site and at the District's main administrative office; and
- G. information regarding how to appeal decisions made regarding the identification and selection of students for such programs and courses, and how to waive into a program or course even if not selected (as applicable).

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 and courses, as well as the importance of the foundation courses in elementary and middle school.

Reporting Requirements:

- a) By April 30, 2017, the District will provide to OCR, for review and approval, its outreach plan for parents/guardians consistent with Action Item IV.
- b) By June 30, 2018, 2019, and 2020, the District will provide documentation to OCR demonstrating that the parent/guardian outreach plan was implemented during the previous school year consistent with Action Item IV; including copies of any written notices or other correspondence, and details and documentation of any events held with parents/guardians.

Action Item V: Student Outreach

By April 30, 2017, in conjunction with the action plan developed consistent with Action Item III, the District will develop an outreach plan for students. 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 CCP courses and programs regarding their experiences in these courses and programs. The District may consider and implement other actions not otherwise described in this Agreement in an effort to increase student participation; including race/ethnic-targeted recruitment and outreach efforts to directly encourage African American, Hispanic and ELL students to consider participation.

Reporting Requirements:

- a) By April 30, 2017, the District will provide to OCR, for review and approval, its outreach plan for students consistent with Action Item V.

- b) By June 30, 2018, 2019, and 2020, the District will provide documentation to OCR demonstrating that the student outreach plan was implemented during the previous school year consistent with Action Item V; including copies of any written notices or other correspondence, and details and documentation of any events held with students.

Action Item VI: Academic Counseling Services

By April 30, 2017, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current academic counseling services at the elementary, intermediate, 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 program and course options and encourages participation in these programs and courses, including foundation courses and course progression at the District’s elementary, intermediate, and middle schools, as applicable. This will include individual counseling as well as inclusion of information about the District’s foundation and CCP courses and programs in any information sessions provided to students about intermediate, middle, and high school enrollment and the college application process. These sessions may also include presentations by college admissions coordinators and testimonials from a diverse group of students and from their parents/guardians, as well as from teachers and principals;
- B. allows each student to meaningfully consider enrollment in the programs and courses that are most likely to meet their educational needs and objectives;
- C. advises students of the significance given to CCP courses and programs by colleges and universities in the admissions process; and of the opportunity to receive college credit for certain AP, and dual enrollment courses; and
- D. directly and personally encourages each student to enroll in programs or courses that are appropriately challenging and will appropriately prepare each student for CCP courses and programs and later for higher education.

Reporting Requirement: By June 30, 2018, 2019, and 2020, the District will provide documentation to OCR demonstrating that academic counseling services were reasonably implemented during the previous school year consistent with Action Item VI; including, but not limited to, a description of how these services were provided to students.

Action Item VII: Training for District Staff/Administrators

- A. By April 30, 2017, 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 its foundation and CCP courses and programs. If not already being done, any training plan will include, at a minimum:

1. an assessment that ensures that teachers are qualified to teach in the areas that they have been assigned to teach, and that counselors provided accurate information about the District's foundation and CCP programs and courses;
 2. a presentation during school year 2016-2017, by an expert, such as the consultant, in best practices for identification/selection and retention of African American, Hispanic and ELL students in such programs and courses;
 3. instruction on encouraging student participation in these courses and programs;
 4. an overview of the identification/selection criteria for these courses and programs;
 5. an overview of parent/guardian and student outreach efforts regarding these courses and programs; and
 6. information or instruction regarding other actions the District may be taking in an effort to increase student participation in these courses and programs; including race/ethnic-targeted recruitment and outreach efforts to directly encourage African American, Hispanic and ELL students to consider participation.
- B. By August 31, 2017, the District will provide training for District staff and administrators consistent with the plan developed in accordance with Action Item VII(A).

Reporting Requirements:

- a) By April 30, 2017, the District will provide to OCR a copy of its training plan for District staff and administrators, consistent with Action Item VII(A).
- b) By August 31, 2017, the District will provide to OCR documentation demonstrating that it has provided training to District staff and administrators in accordance with Action Item VII(B) 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: Data Maintenance

Beginning with school year 2016-2017, the District will maintain data on the number of students, by race, national origin, and ELL status, enrolled in each foundation and CCP course and program, in each of the District's elementary, intermediate, middle, and high school. The data should be reported in such a manner so that students who are taking more than one of the specified courses are not double-counted.

Reporting Requirement: By June 30, 2017, 2018, and 2019, the District will provide to OCR the data referenced in Action Item VIII for the preceding school year.

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)(1) and (2), which were at issue in this case. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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)(1) and (2), which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

11/18/16

/s/

Date

Dr. John Ravally, Superintendent
Franklin Township Public Schools