

Madison Metropolitan School District
Docket Number 05-14-5002

Resolution Agreement

OCR initiated the above referenced compliance review to evaluate the Madison Metropolitan School District's (District) compliance with Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. Part 100. The compliance review is assessing whether African American and/or Hispanic students are provided equal educational opportunities to participate in the District's advanced coursework and programming options, including Advanced Learner (AL) programs at all levels, middle school advanced or honors courses, high school Advanced Placement (AP), advanced, honors, and other high-level and career building courses, as well as foundation courses that are essential to prepare students to take rigorous courses in middle and high school, and to provide them with the skills necessary for success in college and/or career, in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3. The District recognizes the importance of improving access to advanced coursework for African American and Hispanic students, including English Language Learners. In acknowledgment of its obligations to all students and in an effort to continue and improve upon existing efforts to expand access to rigorous learning opportunities for all students, and without admitting any violation of law, the District agrees to continue and/or take the steps described in this Resolution Agreement (Agreement).

Pursuant to this Agreement, the District agrees to take the following measures to ensure equal opportunities for all students. In this Agreement "advanced coursework and programming options" refers collectively to all AL programs, AL services and/or AL instruction at the elementary school level; middle school foundational, advanced or honors courses; and, high school foundational, AP, advanced, honors, and other high-level and career building courses.

I. Equity Consultant

- a. The District will continue its work with the National Equity Project (NEP) in addressing the underrepresentation of African-American and Hispanic students in advanced coursework and programming options by engaging teacher teams in efforts to identify, acknowledge and counteract the impact of oppressive systems and personal bias in order to remove barriers to enrollment. To ensure that all students are provided with equal access, the District will also enter into partnership with an Equity Consultant that can explicitly focus on increasing enrollment opportunity in Advanced Placement courses African-American and Hispanic students by ascertaining and removing barriers to enrollment. The District will communicate directly with NEP and the Equity Consultant regarding all matters related to this agreement. The District understands that OCR may also communicate with NEP and the Equity Consultant regarding this Agreement, as long as the District is also included in all such communications. All recommendations proffered by the NEP and Equity Consultant shall be vetted by the District's Senior Leadership Team, and plans will be forwarded to OCR as appropriate.

- b. Reporting Requirement: By November 1, 2016, the District will notify OCR of the proposed Equity Consultant. The District will provide confirmation to OCR that it has engaged the Equity Consultant's services within 30 days of receiving OCR's written approval of its choice of Equity Consultant.

II. Review and Assessment

- a. By January 15, 2017, the District, in consultation with the NEP and the Equity Consultant, will complete a review and assessment ("Review and Assessment") of its advanced coursework and programming options, including current referral and eligibility criteria for these programs. The District may use existing systems, initiatives, and analyses to satisfy the requirements of this section. At a minimum, the Review and Assessment will:
 - i. review the District's enrollment data in its advanced coursework and programming options, to determine the extent to which African-American and Hispanic students continue to be identified and selected at lower rates compared to their representation in the enrollment of their respective schools;
 - ii. review the District's enrollment data in its advanced coursework and programming options, including trend data, specifically considering the relationship between foundation course¹ enrollments and advanced coursework and programming options;
 - iii. review whether foundational courses, including but not limited to Algebra I, are consistent across schools;
 - iv. review the District's enrollment data and recruitment practices for the Advancement via Individual Determination Program (AVID), including trend data, specifically considering the relationship between participation in AVID and enrollment in advanced coursework and programming options at the high school level, including honors and AP courses;
 - v. review consistency among schools in documenting advanced coursework and programming referrals, selection, and interventions, including through data systems such as OASYS as well as digitized "jot forms" and other selection tools provided to teachers;
 - vi. review the efficacy of data collection systems, such as OASYS, in addressing racial disparities in advanced coursework and programming selection, referrals, and participation;
 - vii. review student participation in Teens of Promise (TOPS), and the effect that out-of-school programming, including career exploration, mentoring, and internships, has on participation and success in advanced coursework and programming options at the middle-and high-school levels;
 - viii. review and assess referral, eligibility and selection criteria for enrollment in the District's advanced coursework and programming options;

¹ For the purposes of this Agreement, foundation courses shall include, but not be limited to, any elective class at the middle or high school that assists students in succeeding in courses considered advanced, honor level or advanced placement level.

- ix. review and assess the effect of the District's ongoing efforts to align its curriculum on participation in advanced coursework and programming options;
 - x. review and assess placement of AL-IRT staff at school buildings, including each of the District's high schools;
 - xi. review and assess any other potential barriers to increased participation by African-American and Hispanic students in the District's advanced coursework and programming options, including but not limited to:
 - 1. the adequacy of the counseling services available at the middle and high schools;
 - 2. the number and subject matter of such course/program offerings at each school;
 - 3. participation (or lack of participation) in such courses/programs;
 - 4. the District's use of prerequisites;
 - 5. the District's use of quantitative and qualitative data;
 - 6. parental referral and communication strategies;
 - 7. any District enrollment, registration or other policies and procedures related to enrollment in such courses/programs;
 - 8. teacher training to teach such courses/programs;
 - 9. communication and outreach to students and parents/guardians about these courses/programs, including communication with limited-English parents;
 - 10. language barriers to participation in such courses/programs;
 - 11. advertisement of such courses/programs;
 - 12. early awareness on the part of parents/guardians/students of the relationship between the elementary school/middle school curriculum and the high school curriculum;
 - 13. support services for students enrolled in, or preparing to take such courses/program; and
 - 14. recommend modifications to eligibility and selection criteria that are based on best practices.
- b. Reporting Requirement: By January 15, 2017, the District will provide confirmation to OCR that it has satisfied the requirements of this section, and will provide OCR with documentation demonstrating its compliance.

III. Report and Recommendations

- a. By March 15, 2017, the District, in collaboration with the Equity Consultant, will analyze the results of the Review and Assessment. The District may use existing systems, initiatives, and analyses to satisfy the requirements of this section.
- b. By March 15, 2017, the District will produce a written report for OCR's review and approval summarizing the results of the Review and Assessment and any recommendations made in response thereto. The report will tie the District's Review and Assessment to each school, and will include recommended modifications of

referral, eligibility and selection criteria, recruitment and communications strategies, and elimination of any language barriers for participation in the District's advanced coursework and programming options, in order to facilitate the District's efforts to provide all students with equal access and an equal opportunity to participate in such programs and courses.

- c. Modifications to the recruitment, referral, eligibility and selection criteria for participation in the District's advanced coursework and programming options that are recommended by the District shall be reviewed and approved by OCR.
- d. Reporting Requirement: By March 15, 2017, the District will provide OCR with a copy of the written report and recommendations for review and approval. The District will update the report annually throughout the monitoring period and submit any changes to OCR for review and approval.

IV. Eligibility and Selection Criteria; Recruitment

- a. By May 1, 2017, the District shall commence utilization of the modified referral, eligibility and selection criteria as developed in Section III for participation in the District's advanced coursework and programming options.
- b. By May 1, 2017, the District shall update relevant print and on-line publications to include the modified referral, eligibility and selection criteria and shall disseminate the modified eligibility and selection criteria to all students, parents/guardians, administrators, teachers and staff of the District.
- c. The District shall monitor to ensure that the modified referral, eligibility and selection criteria for participation in the District's advanced coursework and programming options, are implemented uniformly and consistently at all schools throughout the District.
- d. Reporting Requirement: By May 1, 2017, and again by October 1, 2017, and October 1, 2018, the District will provide OCR documentation demonstrating the modified eligibility and selection criteria were disseminated and the steps taken to promote uniform implementation. Any changes to the criteria must be submitted to OCR for review and approval.

V. Data Analysis

- a. Beginning with the 2016-2017 school year, and annually thereafter, the District will analyze data related to the referral, identification and selection of students for the District's advanced coursework and programming options, to determine whether African-American and Hispanic students are identified and selected at rates that are representative of their enrollment at their respective schools. During the 2016-2017 school year, this data analysis may be part of the Review and Assessment conducted

in consultation with the Equity Consultant. The District may use existing systems, initiatives, and analyses—including its existing STAT Diagnostics Review Protocol—to satisfy the requirements of this section. The analysis must include, at a minimum:

- i. the number of students enrolled in each school, disaggregated by race;
 - ii. the number of students at each school who were referred or applied and the number who were selected for each AL program, disaggregated by race;
 - iii. the number of students at each school who were participating in each advanced coursework and programming option at the elementary school level, disaggregated by race, with indication of which students (if any) were participating in more than one program or service;
 - iv. the number of students at each school who were enrolled in each middle school honors course, disaggregated by race, with indication of which students (if any) were participating in more than one course;
 - v. the number of students at each school who were enrolled in each foundation course, disaggregated by race, with indication of which students (if any) were participating in more than once course;
 - vi. the number of students at each school who were enrolled in each high school honors course, disaggregated by race, with indication of which students (if any) were participating in more than one course;
 - vii. the number of students at each school who were enrolled in each high school AP course, disaggregated by race, with indication of which students (if any) were participating in more than one course; and
 - viii. the District's analysis of whether the referral, selection and enrollment numbers are disproportionate with respect to African American and Hispanic students.
- b. Reporting Requirement: By May 1, 2017, and again by May 1, 2018, and May 1, 2019 the District will provide the data analysis to OCR including, if appropriate, the District's plan and implementation to date to address any identified disproportionality in the referral, selection and/or enrollment of African-American and Hispanic students for OCR's review and approval.

VI. Parent/Guardian Outreach

- a. By March 15, 2017, after reviewing the recommendations of the Equity Consultant, the District will undertake community outreach regarding participation in the District's advanced coursework and programming options. The District may conduct this outreach under the auspices of the existing Family, Youth and Community Engagement Department, or through its AL Committee and parent group, so long as it ensures participation by parents and community members. The District will ensure that outreach targets the parents of elementary, middle and high school students, and includes, at a minimum:

- i. a description of the benefits and opportunities available to students in the District's advanced coursework and programming options;
 - ii. for each elementary school, information regarding AL programs in the school's enrollment materials;
 - iii. the name(s) and contact information for the AL programs' coordinator(s) at the parent's/guardian's school site and at the District office; and
 - iv. information regarding the referral, identification and selection process for the District's advanced coursework and programming options.
- b. The District will consider outreach to community organizations, including those that are in regular contact with the parents/guardians of African-American and Hispanic students, regarding the opportunities and benefits of these programs and courses.
- c. Reporting Requirement: By March 15, 2017, and again on March 15, 2018, and March 15, 2019, the District will provide OCR documentation demonstrating compliance with this section.

VII. Student Outreach and Counseling

- a. By March 15, 2017, after reviewing the recommendations of the Equity Consultant, the District will ensure that its programs and services, including counseling, inform students of all available and relevant program and course options, including information on middle school honors courses and high school honors and AP courses and their prerequisites. The District may demonstrate compliance with this section through its Academic and Career Planning process. When appropriate, information shall be provided during individual counseling sessions, during group information sessions provided to students about high school enrollment and/or the college application process, and through written or digital materials. Information shall advise students of the significance of honors and AP courses and of the potential to receive college credit for certain AP courses.
- b. The District will provide information concerning all available and relevant program and course options, including information on foundation courses, middle school honors courses and high school honors and AP courses and their prerequisites and/or preferred sequencing for these courses in its enrollment materials and on the District's website.
- c. The District will review availability of counselors to students and increase the number of counselors if needed to ensure counselors' availability to inform students of relevant program and course options.
- d. The District will review the transition of its counseling model to the national American School Counselor Association (ASCA) model and assess the effect of this transition on reducing racial disparities in the District's advanced coursework and programming options.

- e. Reporting Requirement: By March 15, 2017, and again on March 15, 2018, and March 15, 2019, the District will provide to OCR documentation demonstrating that student outreach and counseling services were implemented, including a description of those services.

IX. Staff Training

- a. By March 15, 2017, the District will conduct effective training on its modified referral, eligibility and selection criteria for participation in the District's advanced coursework and programming options, pursuant to Section IV.a. The District may use existing systems, initiatives, and analyses to satisfy the requirements of this section. At a minimum, the training will be provided to all elementary AL site coordinators, middle and high school head counselors, site principals, and all other staff involved in the referral, identification and selection of students for advanced coursework and programming options.
- b. By September 30, 2017, the District, in consultation with the Equity Consultant, will begin providing effective annual training for relevant staff on outreach and enrollment practices with respect to advanced coursework and programming options. The first annual training(s) will include all AL site coordinators, all teachers and administrators who oversee advanced coursework and programming options, including honors and/or AP courses (including all high school department chairs), and counselors. Training for teachers may be conducted at the site level by District and/or site administrators. The training will be repeated annually for all new administrators and staff. The training may include online resources or written materials, but will not be exclusively conducted online or through written materials. The training will include, at a minimum:
 - i. reviewing the racial demographics of students in the District's advanced coursework and programming options, as well as the participation rates of African-American and Hispanic students by school site, including comparisons to the rates at other schools in the District and the overall District rates;
 - ii. reviewing the revised referral, eligibility and selection criteria developed pursuant to Section IV of this Agreement;
 - iii. accessing and utilizing SISWeb to identify and evaluate potential participants for advanced coursework and programming options, including honors and AP students;
 - iv. effective parent/guardian outreach, counseling and retention strategies for African-American and Hispanic and other students, including best practices currently being utilized;
 - v. developing and supporting a school-wide approach for increasing and identifying honors and AP course opportunities for African-American and Hispanic and other students; and,

- vi. providing staff from school sites that have successfully implemented equitable AP and honors enrollment practices with an opportunity to share best practices with other District and school site staff.
- c. Reporting Requirement: By March 15, 2017, the District will provide OCR with documentation of the training described in (a) above, including a list of the categories of employees trained, date(s) of the trainings, and a copy of the training curriculum. By September 30, 2017, and again by September 30, 2018, the District will provide OCR with documentation demonstrating that it has provided training to District personnel, including a list of the categories of employees trained, date(s) of the trainings, and a copy of the training curriculum.

X. AL / Equity Committee

- a. The District will continue the work of its Advanced Learner Committee to evaluate whether the District's outreach efforts, referral, identification and selection policies and practices, staff training, and other policies and practices are effective in increasing referral and identification for advanced coursework and programming options by African-American and Hispanic students. The District will ensure participation on the committee by stakeholders to include school site representatives, administrators for advanced coursework and programming options, coordinators for AL programs, the Equity Consultant, representatives of community organizations, community members, and parents/guardians. The Committee will meet semiannually at a minimum.
- b. The Committee will review District-wide and school site data regarding referral, identification and selection for foundation courses and advanced coursework and programming options, including honors and AP courses, by race, from the prior semester,² ascertain the root causes of any disparity and make recommendations to the District for increasing the enrollment in these programs and courses of African-American and Hispanic students. The District will implement recommendations made by the committee within a reasonable time after the recommendations are presented or will document the reasons for not implementing any recommendations.
- c. If applicable, the District, in consultation with its Equity Consultant and the Committee described in this section, will determine the root cause(s) of any identified disparities and take steps to address them.
- d. Reporting Requirement: By November 15, 2016, the District will provide OCR with the names and titles of the members of the Advanced Learner Committee and a calendar and goals for the Committee's upcoming year of meetings/tasks, as well as minutes or a summary of the meetings. By November 15, 2016, and again on

² The District will designate a District-level staff person to present the relevant information and ensure a summary of the information is provided to AL Committee members prior to each meeting.

November 15, 2017, and November 15, 2018 the District will provide OCR with a summary of the Committee's recommendations and actions during the prior year.

XI. Internal Monitoring

- a. The District will assess the effectiveness of its efforts to increase participation of African American and Hispanic students in advanced coursework and programming options. The District may use existing systems, initiatives, and analyses to satisfy the requirements of this section. Before implementing this monitoring program, the District will obtain OCR's written approval of the program's elements and key features. The District will implement this program in the 2017-2018 and 2018-2019 school years and will use this program to assess the effectiveness of its efforts to increase participation in rigorous college preparatory courses. Such monitoring and assessment shall include:
 - i. consultation with the Advanced Learner Committee;
 - ii. consultation with parents and students, through such means as focus groups, surveys or meetings;
 - iii. review of the District's enrollment data for rigorous college preparatory courses during the most recent school year;
 - iv. a meeting at each middle and high school with staff and the AL-Coordinator to discuss the review in XI.iii above; and
 - v. evaluation and analysis of the information collected, including any proposed recommendations for improvement.
- b. Reporting Requirement: By January 1, 2017, the District will submit to OCR a written proposal for its monitoring program. Within 30 days of receiving OCR's written approval, the District will begin to implement the program. By May 1, 2018 and May 1, 2019, the District will provide documentation to OCR demonstrating its compliance with this section.

OCR will monitor the District's implementation of all components of this Agreement. 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 and is in compliance with the regulation implementing Title VI, at 34 C.F.R. Part 100, which was at issue in this compliance review. Prior to the conclusion of OCR's monitoring, the District will provide documentation establishing that any remaining disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

The District 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. Part 100, 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 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 sixty (60) calendar days to cure the alleged breach.

Superintendent (or designee)

Date