



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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June 23, 2015

Dr. Marcelo Cavazos, Superintendent
Arlington Independent School District
1203 West Pioneer Parkway
Arlington, TX 76013

Re: OCR Docket 06-10-5002

Dear Dr. Cavazos:

This letter is to advise you of the resolution of the above-referenced compliance review that was initiated by the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100. The compliance review assessed whether the Arlington Independent School District (AISD or District) discriminates against African American and Hispanic students on the basis of race or national origin with respect to providing equal access to and equal opportunity to participate in college and career preparatory programs and courses, including the District's Advanced Placement (AP) and International Baccalaureate (IB) programs and other high-level and career-building learning opportunities. This review also examined whether discrimination has occurred regarding access to foundation courses that are essential to prepare students to take rigorous courses in high school and to provide them with the skills necessary for success in college and their careers.

Title VI, and its implementing regulation, at 34 C.F.R. Part 100, prohibit discrimination based on race, color or national origin by recipients of Federal financial assistance from the Department. The District is a recipient of such assistance and is subject to the requirements of Title VI.

Prior to the conclusion of OCR's investigation, the District expressed an interest in voluntarily resolving this review. The District submitted the enclosed Resolution Agreement (Agreement) to resolve the compliance issues examined in this review. OCR will monitor the District's completion of the specific action steps outlined in the Agreement to ensure that they are fully implemented and that the District is in compliance with the above-referenced regulation with respect to the issue under review. This letter summarizes the applicable legal standards, the information gathered and how the review was resolved.

Legal Authority

The applicable standards for determining compliance are set forth in the regulation implementing Title VI, at 34 C.F.R. § 100.3(a), (b)(1) and (2). The regulation implementing Title VI, at 34

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

C.F.R. § 100.3(a), provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program operated by a recipient. The regulation implementing Title VI, at 34 C.F.R. § 100.3(b)(1), prohibits a recipient, on the ground of race, color, or national origin, from denying an individual a service or benefit of a program; providing a service or benefit that is different or provided in a different manner; subjecting an individual to segregation or separate treatment in any matter related to the receipt of a service or benefit; restricting an individual in the enjoyment of any service or benefit; treating an individual differently in determining whether the individual satisfies any admission, enrollment, eligibility or other requirement or condition for provision of a service or benefit; and, denying an individual an opportunity to participate through the provision of services or otherwise or affording an opportunity to do so which is different from that afforded to others. The regulation implementing Title VI, at 34 C.F.R. § 100.3(b)(2), prohibits a recipient from utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin.

The administration of how students participate in educational programs and classes can result in unlawful discrimination based on race and/or national origin if students are subjected to different treatment based on their race or national origin, or if a policy or practice that is neutral on its face and administered neutrally results in a disproportionate and unjustified impact on students of a particular race or national origin.

Summary of Review

During the investigation, OCR requested and received information from the District regarding its student enrollment, curricula and class enrollment policies and procedures. The District submitted data to OCR concerning the enrollment of students in its college and career preparatory programs and classes for the 2013-2014 and 2012-2013 school years. OCR conducted two onsite visits and interviewed students, teachers, counselors and other staff. OCR also examined the data provided by the District to the Department for the Civil Rights Data Collection (CRDC)¹ and documents on the District's website.

Overview of the District

The Arlington Independent School District is a school district in Arlington, Texas, a large suburban city within the Dallas-Fort Worth metropolitan area. The District is the ninth-largest school district in Texas, serving approximately 64,000 students. The District is comprised of 52 elementary schools (Kindergarten through Grade 6), thirteen junior high schools (Grades 7 through 8) and ten high schools (Grades 9 through 12). Twelve of the junior high schools are traditional junior high schools and one is an alternative school.² Six of the high school campuses (Arlington, Bowie, Lamar, Martin, Sam Houston and Seguin) are traditional high schools.³ In 2014-2015, the District opened Arlington Collegiate High School at Tarrant County College (TCC) Southeast Campus; the school provides students the opportunity to earn a high school

¹ <http://ocrdata.ed.gov>.

² Hereafter, references to "junior high school" will refer only to the twelve traditional junior high schools.

³ Hereafter, references to "high school" will refer only to the six traditional high schools.

diploma and an associate degree in four years. The District has three special purpose high schools (Newcomer Center - for non-English speakers; Turning Point High School - an alternative campus; and Venture High School – school focuses on dropout prevention and credit recovery).

According to data from the District’s website, during the 2013-2014 and 2012-2013 school years, the District enrolled 63,873 and 64,381 students, respectively. For the 2013-2014 school year, 15,582 (24%) students in the District were African American and 27,410 (43%) of those students were Hispanic. For the 2012-2013 school year, 15,272 (24%) students in the District were African American and 27,530 (43%) of those students were Hispanic.⁴

The high school enrollment data by race/ethnicity for the 2013-2014 school year follow:

2013-2014 High School Enrollment Data at Selected Campuses, by Race/Ethnicity								
High School	Total	African American	Hispanic	White	Asian	Two or More	Hawaiian	American Indian
Arlington	2,733	448 (16%)	1,043 (38%)	1,033 (38%)	96 (4%)	99 (4%)		
Bowie	2,975	1,080 (36%)	963 (32%)	375 (13%)	474 (16%)	59 (2%)		
Lamar	2,767	869 (31%)	958 (35%)	742 (27%)	121 (4%)	60 (2%)		
Martin	3,241	445 (14%)	513 (16%)	1,931 (60%)	220 (7%)	114 (4%)		
Sam Houston	3,171	678 (21%)	2,055 (65%)	203 (6%)	156 (5%)	56 (2%)		
Seguin	1,651	594 (36%)	546 (33%)	283 (17%)	184 (11%)	34 (2%)		
Total	16,538	4,114 (25%)	6,078 (37%)	4,567 (28%)	1,251 (0%)	422 (2%)	36 (0%)	70 (0%)

High School Graduation Requirements

Texas state law high school graduation requirements changed during the course of this review. When the review was initiated in 2010, consistent with State law requirements, the District offered three graduation program options. All students were required to select high school courses necessary to complete the “Recommended High School Program” or “Distinguished Achievement High School Program,” unless the student, the student’s parent or legal guardian, and a high school counselor or school administrator agreed that the student should be permitted to take courses under the “Minimum High School Program.” The “Recommended High School Program” required four courses in Math, English, Science and Social Studies (“4X4”) and the “Distinguished Achievement High School Program” required an additional language course beyond that required for the “Recommended High School Program.” Provided below is a summary of the requirements for each of the former diploma options.

⁴ <http://www.aisd.net/pdf/GradeTally/eth050113.pdf> (2012-2-13 school year); <http://www.aisd.net/pdf/GradeTally/eth060214.pdf> (2013-2014 school year). School specific data on the enrollment of American Indian and Hawaiian students is not included on the chart because of the low numbers of these students at each school.

Former High School Graduation Requirements and Diploma Options			
Curriculum Area	Credits Required		
	Minimum High School Program	Recommended High School Program	Distinguished Achievement High School Program
English	4.0	4.0	4.0
Math	3.0	4.0	4.0
Science	3.0	4.0	4.0
Social Studies	4.0	4.0	4.0
Health	0.5	0.5	0.5
Physical Education	1.5	1.5	1.5
Technology Applications	1.0	1.0	1.0
Communication Applications	0.5	0.5	0.5
Fine Arts	1.0	1.0	1.0
Languages (other than English)	0.0	2.0	3.0
Electives (State approved list)	5.5	3.5	2.5
Total	24.0	26.0	26.0

In 2013, the State revised the State's curriculum and graduation requirements.⁵ The “Recommended High School Program” was replaced with a 22-credit “Foundation High School Program” that allows students to earn “Endorsements” in specific areas of study by completing four additional credits. The Endorsements include science, technology, engineering and science (STEM); business & industry; public service; arts and humanities; and multidisciplinary studies. For the “Distinguished Level of Achievement High School Program,” a student must complete the “Foundation High School Program,” an Endorsement course, Algebra II, and a fourth Science course. The “Foundation High School Program” became the default State graduation program for all students entering ninth grade beginning with the 2014-2015 school year.

The District now offers the following three graduation program options:

Current High School Graduation Requirements and Diploma Options			
Curriculum Area	Credits Required		
	Foundation High School Program	Foundation High School Program with Endorsements	Distinguished Level of Achievement High School Program
English	4.0	4.0	4.0
Math	3.0	4.0	4.0 (Algebra II required)
Science	3.0	4.0	4.0
Social Studies	3.0	3.0	3.0
Physical Education	1.0	1.0	1.0
Foreign Language	2.0	2.0	2.0

⁵ <http://tea.texas.gov/graduation.aspx> (state website with information about high school graduation requirements).

Fine Arts	1.0	1.0	1.0
Electives	5.0	7.0	7.0
Total	22.0	26.0	26.0

Beginning with the 2014-2015 school year, State law required that school counsellors at the elementary, middle and high school levels advise students and their parents or legal guardians on the importance of college, coursework designed to prepare student for college and financial aid availability and requirements. Information about the “Distinguished Level of Achievement” must be published on each district’s website and made available to high school students.

The District has published this information on its website and it is available to all students and parents.⁶ In addition to providing the information required under the new State law, the District requires a District counselor or school administrator to review the personal graduation plan options for each student entering ninth grade together with that student and his or her parent or legal guardian. Before the conclusion of the ninth grade school year, the student and the student’s parent or guardian must confirm and sign a personal graduation plan for the student. Students are permitted to graduate under the “Foundation High School Program” without earning an Endorsement if, after the student’s sophomore year, the student and the student’s parent or legal guardian are notified of the benefits of graduating with an Endorsement and the student’s parent or legal guardian gives written permission for the student to opt out of an Endorsement. Eighth grade students are automatically scheduled into the “Career, Technical and Higher Education Investigations” class that explains the new graduation programs in detail.

Advanced Academics Program

The District serves students through a variety of services and programs as part of its advanced academics program, including its Gifted and Talented Services (G/T), as well as AP, IB, and Dual Credit classes and/or programs.⁷

Elementary School

The District informed OCR that it offers G/T services at all of its elementary schools. According to the District, these services include “an array of learning opportunities, including working with age peers, intellectual peers and working independently, during the school day and through co-curricular or extracurricular activities.” The District screens students beginning as early as Kindergarten to determine whether they meet a minimum of three (3) criteria to be considered for the District’s G/T services. The District provides information about its GT services on its website and states that the criteria considered for identification and placement are:

- Teacher observation checklists
- Evaluation of student products (Student Portfolio)
- Student interviews
- Self-evaluations

⁶ <http://www.aisd.net/AISD/LinkClick.aspx?fileticket=ibmCxxkbLXbA%3D&tabid=15047&mid=54578>.

⁷ <http://www.aisd.net/AISD/Default.aspx?alias=www.aisd.net/aisd/advacademics>.

- Structured analytical observations
- Standardized assessments⁸

Junior High School

The District has, dependent on student interest and abilities, offered AP Spanish to students at three junior high campuses (Carter, Hutchison, and Workman). These junior high schools feed into Sam Houston High School, which is the only high school with a majority Hispanic student enrollment. In the 2013-2014 school year, Sam Houston had a 65% enrollment rate for Hispanic students (compared to the 37% Districtwide enrollment rate for Hispanic high school students).

The District also offers Pre-Advanced Placement (Pre-AP) courses in all twelve junior high schools. These courses include: English, Reading, English Language Arts/Reading, Math, Algebra, Science, Science II, Texas History/Geography, United States History/Citizenship, and Spanish Language. The District indicated that for student enrollment in Pre-AP courses, it considers factors such as the student's past performance, accumulated test records, student interest, and parent approval.

OCR also reviewed whether there were any differences in the availability of prerequisite or foundation courses at the junior high level that would impact students' preparedness for taking advantage of college and career preparatory courses at the high school level. OCR determined that the twelve junior high schools in the District offer identical courses with the exceptions noted above for AP Spanish, which is offered at three junior high schools.

The District publicizes information about Pre-AP, AP courses, the IB program, and dual credit to students and parents in several ways. Interested parents and students receive a *Pre-AP and AP Expectations of Enrollment* letter from the District, explaining the rigor and standards of Pre-AP and AP classes prior to enrollment in the class.⁹ The letter must be signed by the student and a parent and returned to the student's counselor prior to enrollment in the course(s). According to the District, parents are also notified via parent nights, the District's website and Parent-Teacher Association (PTA) newsletters. The District's High School Course Description Handbook (Handbook),¹⁰ which is printed and available online in English, Spanish and Vietnamese, describes the benefits of AP courses and the dual credit options. The District provides brochures from College Board along with informational pamphlets, created by the District, discussing AP courses and the IB program. Information about AP courses, IB program, and dual credit programs is also available on the District's website. Recruitment for high school AP courses and the IB program begins in the junior high schools with high school counselors visiting with 8th grade students and discussing different graduation options at the high school level. There is also an open house specifically for parents of 8th graders (Future Fish Night) where parents learn about Pre-AP/AP, IB and dual credit courses. At the four campuses where the IB program is offered, an IB program packet is available for students and parents. The IB program packet is

⁸<http://www.aisd.net/aisd/advacademics/GiftedandTalented/GiftedTalentedStudentIdentification/tabid/11687/Default.aspx>.

⁹<http://www.aisd.net/pdf/HSCDHandbook/JHHHandbook.pdf>.

¹⁰<http://www.aisd.net/pdf/HSCDHandbook/HSCDHandbook.pdf>. "Honors" level courses are Pre-AP, AP and IB courses.

available to students and parents in both English and Spanish. All of the high school campuses have a fall and spring open house where information about AP courses and the IB program is disseminated to attendees. The IB coordinators informed OCR that they also speak to the 9th and 10th grade students at their respective schools about the IB program.

High School

All six District high schools offer AP and Dual Credit courses. Four of the District's high school campuses (Arlington, Bowie, Lamar, and Sam Houston) offer the IB program. Early in OCR's investigation, the District indicated that it planned to offer the IB program at the two remaining high schools (Martin and Seguin) in the future, but to date the District still does not offer the IB program at these two schools. Students have to attend a particular campus with IB to be enrolled in IB program. A student can transfer to a campus that has IB if they want to enroll in the IB program; however, transportation is not provided by the District to the new campus.

The District uses a weighted system to calculate a student's high school grade point average (GPA). Passing grades received in all "Honors" level courses receive three more points than grades received in "regular" level courses.¹¹ Grades received in dual credit courses are given by the college instructors and do not count in the high school class rank or GPA calculations.¹² Pursuant to Texas law, students graduating in the top 10% of their high school class are guaranteed admission to any State-funded university. Under the current state law, Texas students entering ninth grade in the 2014 -2015 school year and thereafter must graduate under the "Distinguished Level of Achievement High School Program" diploma to qualify for top 10% admission to Texas higher education institutions.¹³

- *Advanced Placement*

Currently, the District offers more than 28 AP courses at its high schools. The District determines the specific number of AP courses that will be offered at a specific high school based on student interest. Thus, OCR's investigation revealed that the number of AP course offerings at each high school fluctuates from year to year depending on student interest.

The District's Handbook indicates that AP course offerings include, but are not limited to: AP Calculus, Statistics, English, Biology, Chemistry, Physics, European History, Human Geography, Macroeconomics, Psychology, United States Government and Politics, Comparative Government and Politics, United States History, World History, Computer Science, Music Theory, Studio Art, and foreign languages. The first opportunity to take AP courses in high school is in 10th grade, with the World History AP course, although, as noted, AP Spanish is offered to students at three junior high campuses.

OCR's investigation revealed that in a few situations each year, student enrollment for less popular AP courses falls below a point where would be economically feasible for the District to assign a teacher to a separate AP course. On this occasion, these students are still instructed by qualified teachers in classes of non-AP students. For example, a single student who wishes to

¹¹ "Honors" level courses are Pre-AP, AP and IB courses.

¹² <http://www.aisd.net/pdf/HSCDHandbook/HSCDHandbook.pdf>.

¹³ <http://www.aisd.net/AISD/LinkClick.aspx?fileticket=ibmCxkbLXbA%3D&tabid=15047&mid=54578>.

study AP Latin, may be physically assigned to a Latin III class, but receive instruction and assignments suitable for AP Latin.

OCR examined the availability of AP courses for students at each high school. OCR found that the District high schools offered substantially similar curricula, with each of the high schools offering between 13 and 25 AP course selections. During OCR's review, Martin typically had the highest AP student enrollment and offered the highest number of AP courses. Sam Houston generally had the lowest number of AP course offerings, but it also offered students the opportunity to enroll in an IB program, which Martin does not offer. As noted above, Sam Houston had a majority Hispanic student enrollment in the 2013-2014 school year. None of the high schools had a majority African American student enrollment. Martin had a majority white student enrollment with a 60% enrollment rate for white students (compared to the 28% Districtwide enrollment rate for white high school students).

With respect to enrollment in AP courses, the District states in its Handbook that students considering enrollment in AP courses should use the following criteria:

- Indication of high interest;
- Parent approval;
- Teacher recommendation;
- Satisfactory grades in prerequisite courses; and
- Standardized test scores that support the student's grades and interest.

Parents of students who wish to enroll in one or more AP courses and the students must sign the *Pre-AP and AP Expectations of Enrollment* form prior to any student enrollment in the class(es).

According to the District, in an effort to provide every student with the tools necessary to succeed after high school, the District has implemented an "open enrollment" policy and practice, under which any student desiring to enroll in AP courses can do so. However, OCR found that the above enrollment and eligibility criteria continue to be listed in printed District course registration and handbooks as well as in published materials on the District's website. The District explained that the listed prerequisites are not strictly required, although District staff members inform students of the subject matter that the student should have covered before enrollment in order to be academically successful in the AP courses.

The District does not require payment for any AP courses offered at any of the high school campuses. There are AP exam fees but students may also qualify for a fee reduction on an AP exam. The District informed OCR that in the event a student is unable to pay the reduced exam fee, the District will pay the fee.

In interviews with OCR, District students cited the following as reasons they choose not to enroll in AP courses: not having taken the prerequisite courses and the need to make course selection decisions in junior high in order to take many of the AP courses. For example, a student interested in taking AP Calculus his/her senior year would generally need to have taken pre-AP Algebra I in eighth grade (junior high), pre-AP Geometry in ninth grade, pre-AP Algebra II in tenth grade, and pre-AP Precalculus in eleventh grade. Students also cited the AP exam and the potential of not receiving a passing score for which college credit would be awarded as a reason why many choose not to take AP courses.

- *International Baccalaureate Program*

The IB program is a rigorous two-year program that begins in eleventh grade. Students who complete the program earn an IB diploma, which is considered a “Distinguished Level of Achievement High School Program” diploma under the District’s three high school diploma options. Over the course of the two-year program, students study six subjects, chosen from each of six subject groups (language and literature, language acquisition, individuals and societies, sciences, mathematics, and arts), complete an extended essay, take a Theory of Knowledge course, and participate in a “Creativity, Action and Service” program. The IB program also requires the completion of an Extended Essay of approximately 4000 words. Many colleges and universities award course credit to students earning acceptable scores on IB exams. Additionally, in Texas, State institutions of higher education must grant at least 24 semester credit hours to entering freshmen students who successfully complete the IB program, with a score of four or better on all exams.

Students have to complete the IB application process in tenth grade. There is no GPA requirement, but interested students must have completed prerequisite courses during ninth and tenth grade prior to enrolling in the IB program. Specifically, a student must take French I/II or Spanish I/II in the ninth grade and if the student has not taken Algebra I in the eighth grade, the student must take Algebra I in the 9th grade and either take Geometry in the summer after ninth grade or Geometry and Algebra in the tenth grade. If a student lacks an academic prerequisite, the District allows the student to take the academic prerequisites over the summer. Also, the District recommends that students complete graduation requirements such as health, physical education and speech in their ninth and tenth grade years. An IB student does not incur any cost to take an IB exam at any of the high school campuses.

When OCR interviewed high school students about the IB program, many had no knowledge of the program, even at the four schools that offer it. Some students and District teachers and counselors identified concerns regarding prerequisites as a potential barrier for enrollment in the IB program. Similar to the concern with AP prerequisites, some students noted that they would generally need to have taken Algebra 1 in eighth grade or they would need to take summer school or “double block” enrollment in Geometry and Algebra in the tenth grade.

- *Dual Credit Courses*

All of the District high schools allow students to enroll in dual credit courses in lieu of and in addition to AP courses and the IB program. Under the dual credit program, students earn college credit at the same time that they earn high school credit, although the grades earned for dual credit courses are not included in the calculation of class rank or counted towards the GPA. Tarrant County College (TCC) provides instruction at college centers located on each high school campus.¹⁴ Available dual credit courses include: U.S. History, Economics, English IV, Government, Psychology and Sociology. The District covers tuition costs and books for students who take advantage of dual credit offerings.

¹⁴ Some technical courses meet at TCC due to equipment availability, such as in HVAC, car repair, culinary and other specialized classes. See, http://www.aisd.net/News_Articles/Headline_News.aspx?Article_ID=1255.

To qualify to enroll in dual credit courses, a student must have an 80 or above overall average in all courses or a 3.0 GPA and at least 16 credits. A student interested in dual credit courses must pass the reading and/or writing portion of the Accuplacer or Texas Higher Education Assessment (THEA) test prior to registration.¹⁵

In 2012, the District partnered with the University of Texas at Arlington (UTA) and TCC to streamline high school students' path toward affordable, accelerated college degrees. The initiative encourages high school students who complete 24 semester credit hours of dual credit college courses in their junior and senior years to advance to TCC to earn their associate degree. The high school college-credit courses allow students to earn high school and college credit simultaneously, with the potential to earn up to a year of college credit toward their undergraduate degree. UTA and TCC admissions and academic advising staff work with students to ensure that they take courses accepted toward their bachelor's degree. High performing transfer students are eligible for a UTA scholarship of up to \$10,000.¹⁶

In interviews with OCR, students cited the economic and practical advantages of enrolling in dual credit courses and receiving college credit. Some reported, however, that they preferred to take courses from District teachers, and not community college instructors. Many students also explained that a complicated grade calculation may affect their enrollment decisions, as dual credit courses are not counted in their high school GPA, which could positively or negatively impact a student's class ranking, and thereby, affect a student's eligibility for automatic college admission under the State top 10% law and other college admission decisions.

Enrollment Data

Gifted and Talented Services

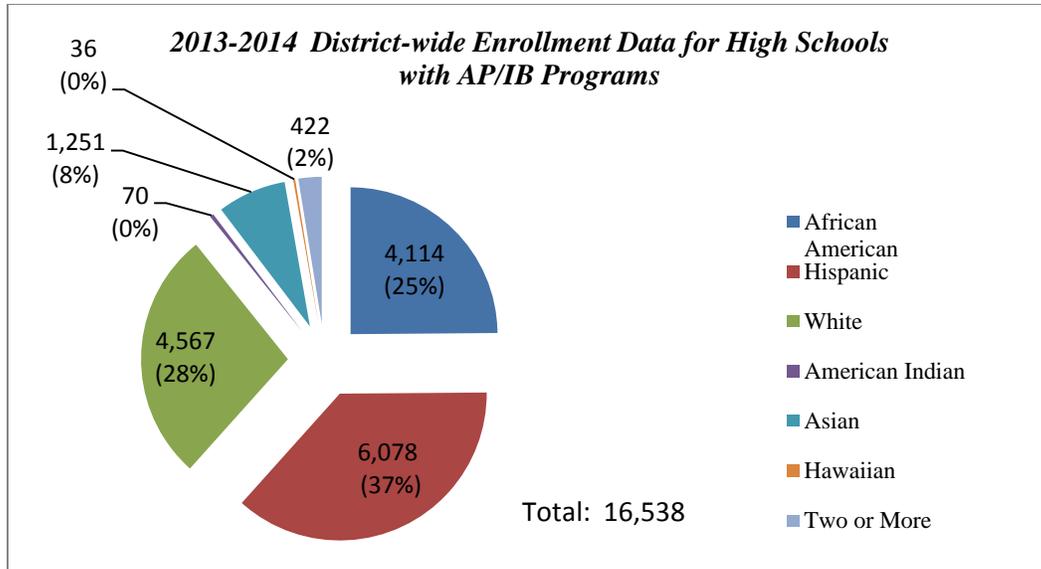
During the 2013-2014 school year, there were a total of 984 elementary school students enrolled in G/T services. African American students represented 24% of the students enrolled in grades Kindergarten through 6th grade District-wide, but only 10% (99) of the students enrolled in G/T. Hispanic students represented 46% of the students enrolled in these grades, but only 35% (339) of the students enrolled in G/T. While white students represented 21% of the students enrolled at the elementary level, they accounted for 40% (398) of G/T students. OCR determined that both African American and Hispanic students were underrepresented to a statistically significant degree with respect to enrollment in the District's G/T services in the 2013-2014 school year. The data for the 2012-2013 school similarly revealed that African American and Hispanic students were underrepresented to a statistically significant degree with respect to enrollment in the District's G/T services in that school year.

AP and IB Enrollment

¹⁵ The Accuplacer test is used by some educational institutions to assist in determining if a student is prepared for college-level courses and to aid institutions in making course placement decisions. The THEA is required of incoming students to Texas public colleges, universities, or technical schools.

¹⁶ <http://www.aisd.net/aisd/Portals/95/Releases/2011-2012/UTA%20MOU.pdf>.

During the 2013-2014 school year, there were 16,538 high school students enrolled in the District. The racial/ethnic composition of the student population was as follows: 25% African American (4,114), 37% Hispanic (6,078), 28% white (4,567), 8% Asian (1,251), 2% two or more (422) and 0% for both American Indian (70) and Hawaiian (36).¹⁷



A total of 4,067 students enrolled in either AP courses or the IB programs during the 2013-2014 school year. African American students represented 25% of the District’s high school students, but only 17% (694) of the students enrolled in AP courses and the IB programs. Hispanic students represented 37% of the District’s high school students and 23% (939) of the students enrolled in AP courses and the IB programs. White students represented 28% of the high school students and 35% (1,430) of AP courses and the IB programs. For the 2013-2014, both African American and Hispanic students were underrepresented in the District’s AP courses and IB programs (collectively) to a statistically significant degree. The data for the 2012-2013 school similarly revealed that African American and Hispanic students were also underrepresented to a statistically significant degree in the District’s AP courses and IB programs (collectively) during the 2012-2013 school year.

Dual Credit Program

For the 2013-2014 school year, the District had a total of 1,177 students enrolled in dual credit courses. As noted above, African American students represented 25% of the high school students. However, they constituted only 17% (194) of the students enrolled in dual credit courses. Hispanic students represented 37% of the District’s high school students, and 25% (289) of the students enrolled in dual credit courses. By contrast, white students represented 28% of the students enrolled in these grades and 43% (507) of the students enrolled in dual credit courses. OCR determined that both African American and Hispanic students were underrepresented to a statistically significant degree in the District’s dual credit courses in the 2013-2014 school year. In addition, based on the available data, OCR determined that both

¹⁷ <http://www.aisd.net/pdf/GradeTally/eth060214.pdf>.

African American and Hispanic students were underrepresented to a statistically significant degree in the District’s dual credit courses in the 2012-2013 school year.

Other District College and Career Readiness Initiatives

During the period of the compliance review, the District participated in other programs to encourage students to participate in college and career preparatory courses or enroll in college.

AP STEM Access Program

In December 2012, the District announced that it was invited to participate in the AP STEM Access program. The program is designed to increase the number of traditionally underrepresented minority groups (African American, Hispanic and American Indian/Alaska Native) and female high school students who participate in AP courses in science, technology, engineering and math disciplines. The District received a \$5 million grant from Google to offer new AP environmental science and computer science courses at Arlington and Bowie high schools, respectively. Arlington and Bowie high schools began offering the new AP Stem courses in fall 2013 and will offer new AP courses for a minimum of three years to enable them to become an integral part of the AP course offerings within the schools.¹⁸

Bound for Success

In 2013, the District and the University of Texas at Arlington (UT-Arlington) collaborated on a new program, Bound for Success, which identify high school students ranked in the top 20% of their class at the end of their sophomore year and grant pre-admittance to UT-Arlington on the condition of completing the District’s graduation requirements. According to UT-Arlington’s website, academic and financial aid counseling will be provided to the students and their families.

Arlington Collegiate High School

As noted above, the District opened Arlington Collegiate High School at TCC - Southeast Campus in the 2014-2015 school year. The school provides students the opportunity to earn a high school diploma and an associate degree in four years. Specifically, students may earn a high school diploma and up to 60 college credit hours simultaneously. All tuition and fees and textbooks not waived by TCC are paid for by the District. The application requires a transcript, report card, school records, a student statement, a parent/guardian statement and two teacher recommendations.

STEM Academy

In August 2014, the District announced a new partnership with UT-Arlington. Students selected for a new STEM Academy are able to take dual credit courses in one of four subject areas: engineering, biology/biomedical science, computer science, and math/science and will be able to

¹⁸ <http://www.aisd.net/AISD/Portals/95/Releases/2012-2013/AP%20STEM%20Access.pdf>.

complete their first year of college courses before they graduate high school. The admission process includes an application and interview. The District will recruit and select 100 students for the STEM Academy that will be opened at Martin High School in August 2015. An additional 100 students will be added each year up to a maximum capacity of 400 freshmen through senior students. Students in the Stem Academy will be bused at no cost to Martin, which will become the students' home campus.¹⁹

AVID

Since the 2000-2001 school year, the District has implemented the Advancement Via Individual Determination (AVID), a college-readiness system designed to increase the number of students who enroll in four-year colleges. At the high school and middle school level, AVID students are enrolled in their school's most challenging academic classes, such as AP, and receive support in an academic elective class, called AVID, that is taught within the school day by a trained AVID teacher. AVID students receive support through a rigorous curriculum and ongoing, structured tutorials. AVID elective teachers support AVID students by providing academic training, managing their tutorials, working with faculty and parents, and by helping students develop long-range academic and personal plans.

The District originally adopted the AVID program in order to prepare junior high and high school students with college-readiness skills who were traditionally not on the college track. Typically, the AVID student would be the first-time college attendee for his/her family. The District has expanded the AVID program by making it open to any interested junior or high school student interested in applying. In the 2013-2014 school year, the District launched a pilot AVID program in the elementary schools that feed into Lamar High School.²⁰

Analysis and Conclusion

OCR's investigation revealed that the District provides G/T services for elementary school students, pre-AP courses for junior high school students (as well as a Spanish AP course at several junior high schools), and AP, IB, and Dual Credit options for high school students. For the past two school years (2013-2014 and 2012-2013), African American and Hispanic students were enrolled in the G/T services, AP courses and IB programs, and dual credit courses at statistically significant lower rates than their respective Districtwide enrollment rate. OCR determined that the same G/T and pre-AP opportunities were generally offered to students at each elementary school and junior high school (with the exception of the additional offering of AP Spanish at three junior high schools). OCR also determined that the dual credit programs were available to all high school students. OCR noted that while AP courses were available at all of the District high schools, the number of AP courses offered at each high school varied with the high school with a majority white enrollment (Martin) offering the highest number of AP courses, while the high school with a majority Hispanic enrollment (Sam Houston) offered the fewest number of AP courses. However, Sam Houston also offered an IB program for its students, which Martin does not offer. The IB program is also available to students at three of

¹⁹ <http://www.star-telegram.com/news/local/community/arlington/article3868493.html#storylink=cpy>;
<http://www.aisd.net/AISD/Default.aspx?alias=www.aisd.net/aisd/stem>.

²⁰ http://www.aisd.net/pdf/Strategic_Plan/ES%20Academic%20Initiatives.pdf.

the four other high schools (Arlington, Bowie, and Lamar, but not Sequin). The District allows for intra and inter-district transfers (including to the IB programs), but does not provide transportation to the students who secure transfers (although transportation is provided to the new Stem Academy at Martin).

OCR identified several possible barriers to higher student enrollment, including higher student enrollment of African American and Hispanic students, in the District's higher level-learning opportunities. These possible barriers include the published enrollment criteria at all levels, including at the high school level; thus negating the characterization by District officials of the college and career preparatory programs as having "open" enrollment. In addition, OCR found that not all students were aware of the District's IB program, including students at the schools where the programs were located. Other possible barriers include the need to take prerequisite courses for AP enrollment as early as junior high school and the impact (which may be positive or negative) of the weighted grades for AP and IB courses on a student's GPA and class ranking, and possible college admission, including automatic admission under the State's top 10% law to any State-funded university higher education institution or to the "Bound for Success" program which grants pre-admittance to UT-Arlington to high school students ranked in the top 20% of their class at the end of their sophomore year. Students interested in dual credit enrollment may weigh the benefits of obtaining college credit against the fact that grades earned in dual credit courses are not counted for the student's overall high school GPA or class ranking. Finally, OCR noted that some AP courses are offered as part of other high school courses rather than as "stand-alone" AP courses; this may serve as a disincentive for students to enroll in these courses.

OCR appreciates that the District has engaged in ongoing efforts to increase participation in its college and career preparatory courses and programs; however, the statistically significant underrepresentation of African American and Hispanic students in the District's advanced academic program offerings persists.

On October 30, 2014, the District entered into a voluntary resolution agreement (Agreement) to resolve the review. Through the Agreement, the District commits to take specific actions to ensure that all students have an equal opportunity to access and participate in the District's higher level learning opportunities, including its college and career preparatory programs. The Agreement requires the District to take specific steps to:

- To assess and develop, in consultation with an expert, a comprehensive District-wide plan for ensuring equal opportunity to enroll in college and career preparatory courses, including AP, IB, dual credit and other higher level learning opportunities; any other advanced academics activities, courses and programs (including G/T services); and foundation courses (i.e., courses at all levels necessary for later enrollment in advanced academics and/or college and career ready courses and programs); this assessment will include examination of the District's diploma options, including those implemented in the 2014-2015 school year;
- Review and assess any potential barriers to increased student participation in college and career preparatory courses, advanced academics activities, courses and programs, and foundation courses at the elementary and junior high schools, including communication and outreach to parents and guardians about these programs;

- Consider revision and/or expansion of eligibility and selection criteria for higher level learning opportunities as necessary to increase participation;
- Review and revise, as necessary, District outreach activities for parent/guardians of elementary, junior high and high school students regarding higher level learning courses and programs available at each school in the district;
- Review and revise, as necessary, current academic counseling services at the junior high and high school levels to inform students of the availability of higher level learning activities, courses and programs and to encourage student enrollment in programs or courses that prepare students for later enrollment in college and career preparatory courses and higher education;
- Conduct training for staff at elementary, junior high and high school staff regarding District course offerings, enrollment demographics, and best practices to encourage maximum African American and Hispanic participation and retention in higher level learning opportunities; and
- Collect and evaluate data on an ongoing, annual basis to assess whether the District is implementing its course enrollment policies, practices, and procedures in a non-discriminatory manner.

On November 7, 2014, the District provided documentation to OCR demonstrating that it had retained an expert who will lead the District's efforts to meet the Agreement requirements. On March 31, 2015, the District submitted a report and action plan related to its review and assessment of its college and career preparatory courses and programs. The Agreement requires that the District's next monitoring report, which will address outreach efforts to students and parents, provision of academic counseling services, and training of district and staff/administrators, be submitted by June 30, 2015. OCR will respond to the District's reports this summer so that the changes required by the Agreement and approved by OCR are implemented in the 2015-16 academic year.

Based on the commitments the District has made in the Agreement, OCR has determined that it is appropriate to close the investigative phase of this compliance review. The District has agreed to provide data and other information, demonstrating implementation of the Agreement, in a timely manner in accordance with the reporting requirements of the Agreement. OCR may conduct additional visits and request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Title VI with regard to the issue in the review. OCR will not close the monitoring of the Agreement until it has determined that the District has complied with the terms of the Agreement and is in compliance with Title VI. Should the District fail to fully implement the Agreement, OCR will take appropriate action to ensure the District's compliance with Title VI including possibly initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We appreciate the courtesy and cooperation shown by the District during the course of this review. If you have any questions about this matter, please contact Ms. Kimone Paley or Ms. Sara Koehn, at (214) 661-9600.

Sincerely,

/s/

Taylor D. August
Director, Dallas Office
Office for Civil Rights