



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VI  
ARKANSAS  
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TEXAS

Mr. Chad Shealy, Superintendent  
Vicksburg Warren School District  
500 Mission 66  
Vicksburg, MS 39180

Re: OCR Docket 06-14-5001

Dear Superintendent Shealy:

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. This compliance review examined whether the Vicksburg Warren School District (VWSD or the District) discriminates against African American students with respect to access, referral, identification, and selection for the District's elementary-level gifted and talented education services (GATES) program, junior high level advanced or honors courses, and high school Advanced Placement (AP), honors and other high-level and career-building courses, as well as access to 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 [(i.e., college and career readiness (CCR) programs)].

OCR initiated this compliance review 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, which prohibit discrimination on the basis of race, color or national origin in any program or activity receiving Federal financial assistance. VWSD is a recipient of federal financial assistance from the Department. Therefore, OCR has jurisdictional authority to conduct this compliance review under Title VI.

Prior to the conclusion of OCR's investigation, VWSD expressed its interest in a voluntary resolution of this compliance review. Accordingly, on May 24, 2018, the District signed the enclosed voluntary resolution agreement (Agreement) to resolve this compliance review without further investigation. 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 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. Specifically, the regulation implementing Title VI, at 34 C.F.R. § 100.3(b)(1), prohibits a recipient, on the ground of race,

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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. Additionally, 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. In application to this compliance review, 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 (different treatment).

Different treatment requires a finding of intentional discrimination on the basis of an individual's race, color, or national origin. Discriminatory intent can be established either through direct evidence (i.e., statements, documents, or actions that clearly evidence a discriminatory intent), or through indirect (also known as circumstantial) evidence (i.e., a set of facts from which one may infer a discriminatory intent). Absent direct evidence that a recipient discriminated on the basis of race, OCR applies a disparate treatment analysis under which OCR must determine whether the facts support a *prima facie* case of racial discrimination. A *prima facie* case exists if a preponderance of the evidence indicates that a recipient treated one person differently than one or more similarly situated persons of another race. If a *prima facie* case of different treatment is established, OCR must then determine whether the recipient had a legitimate, non-discriminatory reason for its action(s) that would rebut the *prima facie* case against it. If one or more legitimate, non-discriminatory reasons for the different treatment are identified, OCR must then determine whether the recipient's asserted reasons for its actions are pretext for racial discrimination. Ultimately, however, the weight of the evidence must support a finding that actual discrimination occurred.

### **Findings of Fact**

In investigating this compliance review, OCR obtained and analyzed information regarding VWSD CCR programs and courses offered, including eligibility and enrollment data, from school years 2013-2014 (when the compliance review was initiated) through 2016-2017 (the most recent full year available). Specifically, OCR reviewed the District's policies and procedures for the District's CCR programs and courses with respect to identification/referral, testing/evaluation, and selection/assignment for the 2013-2014 through 2016-2017 school years. Additionally, an OCR team conducted an on-site investigation during the week of September 15-19, 2014, visiting two (of six) elementary schools [ESs—grades Kindergarten (K)-6 or Pre-K-3], both intermediate schools (ISs--grades 3-6), both junior high schools (JHSs—grades 7 and 8), and both high schools (HSs—grades 9-12). During the onsite visit, OCR interviewed District and school administrators, assessment personnel, guidance counselors, and groups of students. OCR also conducted parent/community forums regarding elementary and secondary advanced programs and courses on respectively September 16, 2014 and September 18, 2014. OCR also reviewed student files at the above two middle schools, one intermediate school, and the two high schools for students participating and not participating in the above programs and courses.

Furthermore, in February and March 2015, OCR administered survey questionnaires to VWSD’s teachers (ES, IS, and JHS levels) and counselors (ES, IS, JHS, and HS levels). Finally, OCR conducted statistical analyses regarding District data on students eligible or not eligible for, and enrolled or not enrolled in GATES, Scholastic Academy (SA)/Academy of Innovation (AOI), Honors courses, AP courses, the Career Technical Center (CTC), the Dual Enrollment (DE) program, and the River City Early College High School (RCECHS).

**A. Overview of the District**

The VWSD is a public school district located in Vicksburg, Mississippi, serving a total of 8,282 students in the 2016-17 school year, making it the ninth largest school district in Mississippi at that time. OCR determined that the District is comprised of ten ESs (including two ISs, which are also considered elementary level), three JHSs, three HSs, and one alternative school.

- **ES Campuses:** Bovina ES, Bowmar Avenue ES, Beechwood ES, Dana Road ES, Redwood ES, Sherman Avenue ES, South Park ES, Warrenton ES, Vicksburg IS, and Warren Central IS;
- **JHS Campuses:** Vicksburg JHS, Warren Central JHS, and AOI ; and
- **HS Campuses:** Vicksburg HS, Warren Central HS, and the RCECHS

Students are typically assigned to the District’s schools based on where they live within the District’s boundaries, with the exception of Bowmar Avenue ES, which is a “magnet” school,<sup>1</sup> and the RCECHS which, based upon reports from the District, is by application.

The following table provides the 2016-2017 total student enrollment disaggregated by race/ethnicity for the District:

<u>2016-2017 Student Enrollment</u>	<u>African American</u>		<u>White</u>		<u>Asian</u>		<u>American Indian</u>		<u>Pacific Islander</u>		<u>Hispanic</u>		<u>Total</u>
<u>District</u>	5,406	65.27%	2,678	32.34%	82	0.99%	10	0.12%	1	0.01%	105	1.27%	8,282

**B. Courses Reviewed and Applicable Criteria for Referral and Admission**

During the course of the investigation, OCR reviewed the criteria for referral and admission to courses and programs offered by the District at the elementary and middle school levels that would prepare students to participate in higher level courses. OCR also reviewed the criteria for referral and admission to college and career readiness programs and courses at the high school level. Below is a summary, followed by a more detailed description and analysis, of the courses and programs offered by VWSD at each level:

- **Elementary School (ES) Level (Grades 2-6):** Gifted and Talented Education Services (GATES);

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<sup>1</sup> Students are admitted to Bowmar Avenue ES through an application and lottery process.

- **Junior High School (JHS) Level (Grades 7-8): Advanced Courses**
  - 2013-2014: 7th Grade Algebra and 8th Grade Honors English and History;
  - 2013-2014 to 2014-2015: Scholastic Academy (SA);
  - 2015-2016 to 2016-2017: Academy of Innovation (AOI); and
  
- **High School (HS) Level (Grades 9-12):**
  - Academic Honors Program (AHP): Honors, Advanced Placement (AP), and other advanced courses;
  - Career and Technical Center (CTC) Program;
  - Dual Enrollment/Dual Credit (DE/DC) Programs; and
  - River City Early College High School (RCECHS)—beginning in the 2016-17 school year.<sup>2</sup>

### **ES Level: GATES Program**

The VWSD reported that the GATES program was designed to meet the individual needs of gifted students, providing students in Grades 2-6 with a differentiated educational program. According to the District, students in the program received five hours of specialized instruction per week by a certified gifted education teacher through pullout programs. The investigation revealed that GATES was offered at all ES campuses and the District’s Gifted and Special Programs Coordinator (GSPC) administered the program.

OCR reviewed the VWSD’s policies and procedures for the GATES program and determined that all District ESs used the same GATES policies and procedures for referral, evaluation, identification and placement. In accordance with Mississippi Department of Education (MDE) regulations, the District’s GATES procedures provided for initial referral through a 1) mass screening program, which screened all first grade students, and 2) by individual referral (also called “recommendation”) by teachers, administrators, parents, relatives, community members, peers, or self (student). The GSPC reported that GATES teachers were required to do an in-service with all faculty/staff at the school each year to provide an overview of the program, including the referral process. OCR found that teachers referred students by contacting the GATES teacher who then contacted the parent for permission for screening; the teacher also completed a referral packet. To refer a student, parents must contact the GATES teacher, GSPC, or counselor at their child’s school.

Interviews and written procedures revealed that after obtaining parent consent for screening, GATES and/or first grade teachers administered intelligence tests to screen students for the GATES program, in the first phase of program evaluation. Upon receiving a qualifying score on the screening test, GATES procedures indicated that the classroom teacher next completed a Test

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<sup>2</sup> OCR notes that the District has implemented additional CCR programs since OCR initiated its review in the 2013-2014 school year [e.g., Vivian Burey Marshall Academy (VBMA) and Ford Next Generation Learning Program (FNGLP)]. However, excluding a limited examination of the RCECHS, OCR focused its review on CCR programs existing during the 2013-14 school year (and related modifications of previously existing programs, i.e., AOI).

Selection Form (TSF), an Emerging Potential Gifted Checklist Form (EPGC),<sup>3</sup> and a Gifted Rating Scale (GRS). In order to qualify for the next phase of evaluation, the student had to obtain specific scores on the GRS and intelligence testing. Then, the GATES teacher completed a Referral Form and Personal Profile Form (PPS) for the student. Parents also completed a personal data sheet and provided consent for individual testing. OCR determined the PPS included an inquiry regarding the student's race and whether he/she was "potentially culturally disadvantaged."<sup>4</sup> Based on the VWSD's narrative responses and interviews, OCR determined that District psychometrists used information in the referral packet to select from seven individual IQ tests to administer for GATES evaluation, and District psychometrists confirmed that these tests were used for GATES evaluation and administered by qualified personnel. Based on documentation and interviews, to be eligible for GATES services, a student must score at the 91<sup>st</sup> percentile on an IQ test [equivalent to IQ score of 121 or higher (non-verbal, verbal, or composite)].<sup>5</sup>

The investigation further revealed that following the student's individual assessment, a Local Survey Committee (LSC) meeting was convened, which could include the following persons: GATES teacher, parents, psychometrist, principal, regular education teacher(s), and/or the student. OCR found the LSC determined program eligibility based on the above IQ score requirements and subsequently informed parents of the eligibility results. Regarding the opportunity to appeal a decision of ineligibility or to retest, GATES procedures stated that students given an IQ test by VWSD personnel on two occasions, scoring at 99 or below both times, were *not* eligible for additional District testing. In addition, the procedures stipulated that students tested and ruled ineligible could *not* be retested by VWSD for one calendar year.

Regarding OCR's survey questionnaire, 72 of 164 ES teacher respondents (43.90%) reported receiving some GATES training, and 24 such teachers (14.63%) related specifically receiving training to identify students who may be eligible for GATES. The above teachers explained that they received training annually through the GATES teachers and/or administrative/faculty meetings. Of the 164 ES teachers, 61 teachers (37.20%) reported that they had referred a student for GATES. Regarding whether all first grade students were assessed for GATES, 100 of 164

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<sup>3</sup> The EPGC stated that a student qualified for use of "disadvantaged criteria" if he/she satisfied five or more of the following criteria: 1) limited English proficiency or English is not primary language; 2) non-standard English interferes with learning activities; 3) frequent moves from one school or district to another; 4) few academic enrichment opportunities available in the home or local neighborhood; 5) home or after-school responsibilities may interfere with learning activities; 6) cultural values may be in conflict with dominant culture; 7) lack of access to cultural activities within the dominant culture; 8) poor reading skills, experiences frequent absenteeism, and experiences difficulty staying on task. The checklist also indicated that a student diagnosed with Attention Deficit Disorder (ADD) or ADHD qualified for disadvantaged criteria in the regulations.

<sup>4</sup> The term refers to the "disadvantaged criteria" in the EPGC described in Footnote #4.

<sup>5</sup> Regarding eligibility after assessment, the MDE's 2013 regulations for gifted education programs required that students score at or above the 91<sup>st</sup> percentile composite/full scale or the 91<sup>st</sup> percentile on the approved subtests (as per publisher) in order to satisfy eligibility criteria. Students who satisfied the Emerging Potential for Gifted Checklist and scored at least at the 84<sup>th</sup> percentile (or had a scaled score within the range of the 90<sup>th</sup> percentile confidence interval) may be administered one of the following additional measures to determine eligibility: 1) test of cognitive abilities with minimal score at the 90<sup>th</sup> percentile; 2) group intelligence measure with a minimal score at the 90<sup>th</sup> percentile; or 3) a district-developed matrix approved by the MDE. In addition, these regulations required a student moving to Mississippi from another state to meet MDE eligibility criteria before being considered for gifted program placement.

ES teachers (60.98%) responded yes, and the majority of the above teachers indicated that parents were notified of results of GATES assessments. 115 ES teachers (70.12%) indicated that if a child was found ineligible for GATES, he/she could be reassessed. Ten teachers (6.10%) responded that they had received a parent complaint about GATES. Of these, nine teachers (90.00%) identified the parent complaining as African American. The majority of parent complaints were reportedly related to a student being found ineligible.

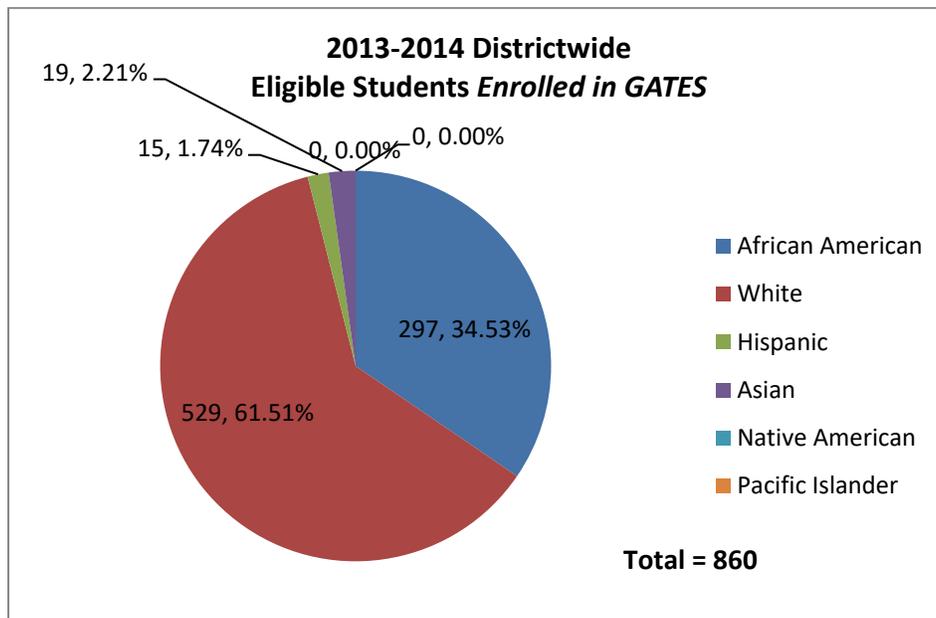
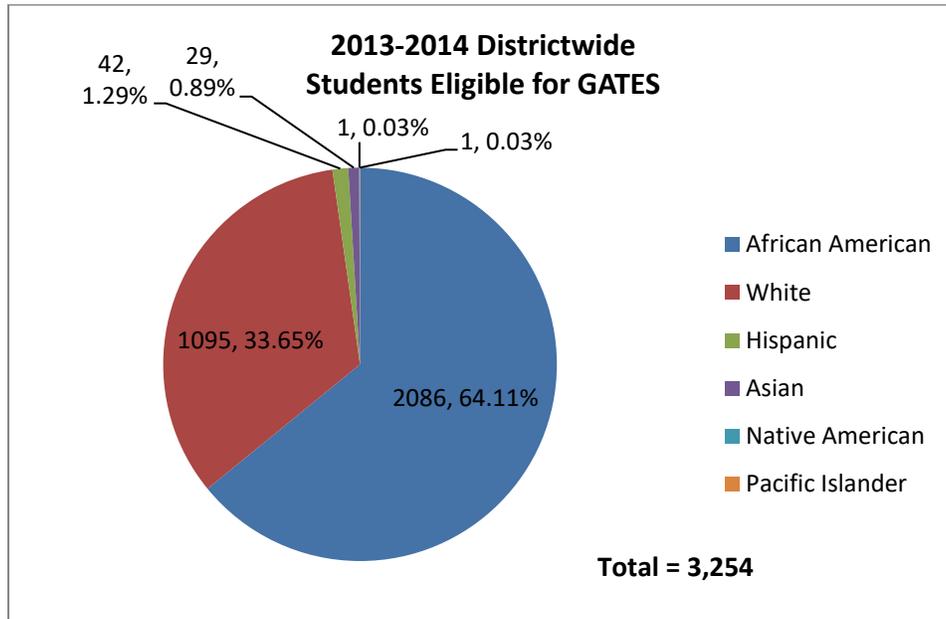
In OCR surveys, 36 teachers (21.95%) responded that there was outreach to parents about the GATES program, most often described as verbal by teachers and/or via school event or the annual SHOWCASE event (District program at the local mall including a booth for the GATES program). OCR's investigation revealed the VWSD also publicized the program to parents via information on the VWSD website and the K-6 Student Handbook. In addition, the District reported that it disseminated a program brochure at the school level and at local libraries. However, in an OCR forum conducted during the onsite investigation, some parents reported they were not informed about the program. Also, parents raised the following concerns: historically low participation of African American students and teachers in GATES; limited opportunity for parent input; only test scores mattered; and not being informed that students had to be intellectually gifted to qualify for placement or of the opportunity for appeal or reassessment.

With respect to recordkeeping, during the on-site visit, OCR conducted a review of student files for students enrolled and not enrolled in GATES at two elementary schools (grades K-6 - Bowmar Avenue ES and Redwood ES) and at one of two intermediate schools (grades 3-6 - Vicksburg IS). The purpose of the file review was to determine if the VWSD maintained student records regarding the screening, referral, and/or identification and selection of students for GATES. In conducting the above file review, OCR selected students in Grades 2-6 as all such students were to have been screened for GATES in the first grade, and the program only served pupils in grades 2-6. For the selected sites, OCR attempted to review files for each student currently enrolled in the program (GATES program file and cumulative file). OCR also attempted to review as many cumulative files as possible from lists of African American and White (and/or Non-African American) students not enrolled in GATES (Non-GATES students). OCR reviewed a total of 368 files for GATES and Non-GATES students [201 African American (54.62%), 161 White (43.75%), and 6 Other (1.63%)]. Based on OCR's file review, for students in the program, the majority of GATES folders included some documentation of GATES identification although the amount and quality of such documentation varied by school. However, GATES students' cumulative files often did not indicate participation in the program. Also, OCR's file review showed that in many cases, there was no documentation of GATES screening in the cumulative files for students who were not found eligible for the program following screening or referral.

### Demographics

OCR's review of **2013-2014** VWSD data revealed that African American students constituted **64.11%** of all students identified by the District as eligible to participate in GATES, but only

**34.53%** of students *enrolled* in GATES.<sup>6</sup> Conversely, White students comprised **33.65%** of all eligible students, but **61.51%** of *enrolled* GATES students.<sup>7</sup>

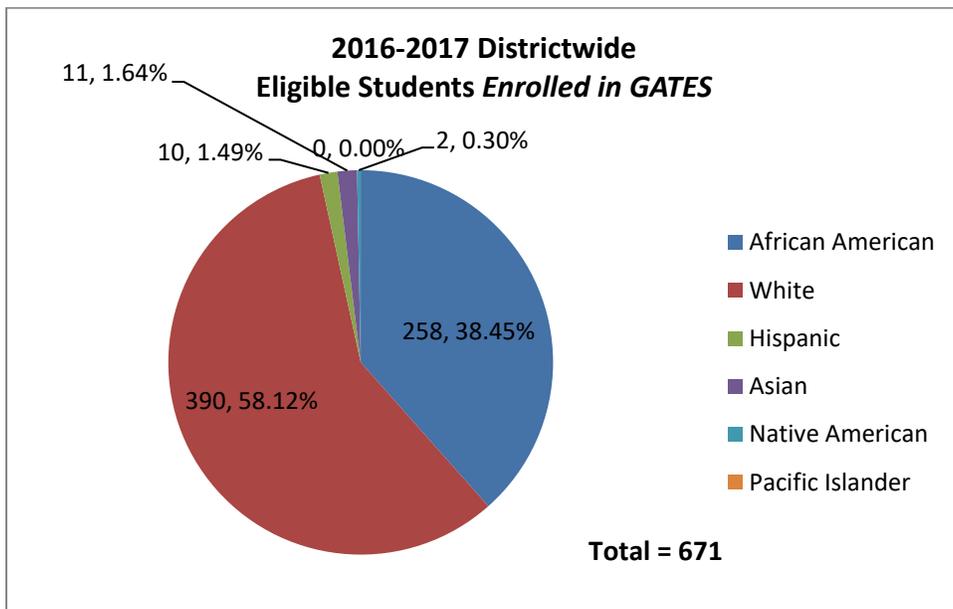
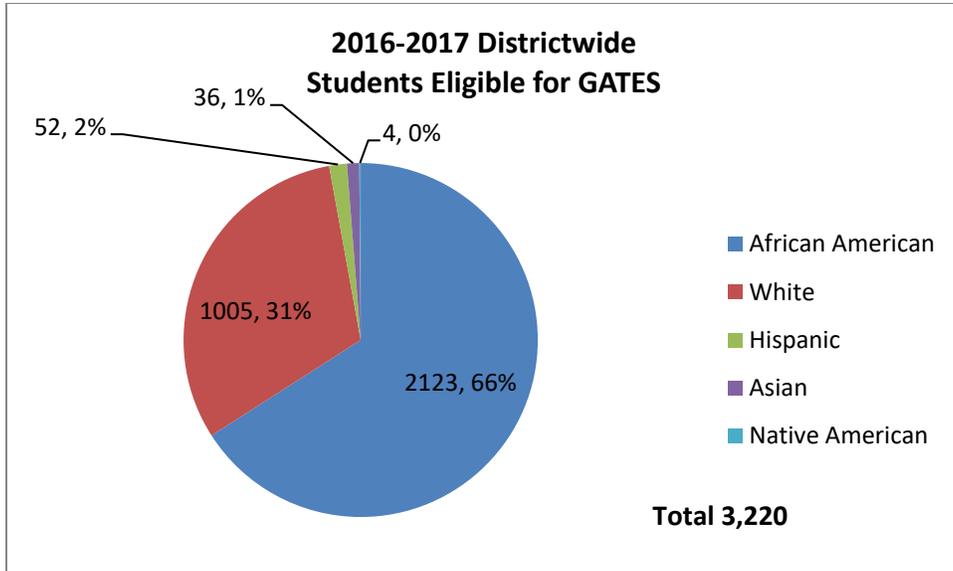


Similarly, **2016-2017** District enrollment data revealed that African American students constituted **65.93%** of all eligible students, but only **38.45%** of students *enrolled* in GATES.

<sup>6</sup> Due to rounding of individual percentages, the total percentage may not equal 100%.

<sup>7</sup> For each respective program (GATES, etc.) and school year, VWSD identified all students eligible for, and enrolled in, the program.

However, White students comprised **31.21%** of all eligible students, but **58.12%** of *enrolled* GATES students.



## **JHS Level:**

### **Honors English and American History/7th Grade Pre-Algebra**

OCR found that during the 2013-2014 school year, both junior high schools offered the following Advanced/Honors courses: 7th Grade Pre-Algebra, 8th Grade Honors (“Heritage”) English, and 8th Grade Honors (Heritage) American History. Based on the 2013-2014 JHS Subject Selection Handbook, in order to enroll in the above courses, students were required to have specific scores on state and/or local assessments, and for Pre-Algebra, a grade of A or B in 6<sup>th</sup> grade math. However, as of the 2014-2015 school year, OCR determined that VWSD no longer offered enrollment in the above three courses.

### **Scholastic Academy (SA)/Academy of Innovation (AOI)**

#### **SA/AOI (JHS Level – Grades 7-8)**

During the September 15-19, 2014 onsite visit, OCR became aware of the District’s SA program for 7<sup>th</sup> and 8<sup>th</sup> grade students. According to the VWSD, the District established the SA program in the 2011-2012 school year to provide instruction and learning through technology and project-based learning, teaching core subjects using an integrated disciplinary approach. The District informed OCR the SA program concluded at the end of the 2014-2015 school year. OCR determined that the program was renamed AOI for the 2015-2016 and 2016-17 school years. According to the District, AOI had the same admission criteria and selection process as SA. However, as AOI purportedly had a greater focus on Science, Technology, Engineering, and Math (STEM), VWSD reported that applicants’ science and math test scores were examined more closely. The District stated that it had increased the space available to accommodate as many students as possible.

According to the GSPC, a 2011-2012 SA pilot program started with 80-100 slots but had no participants in the 2012-2013 school year due to a change in District administrations. According to a VJHS counselor, in the 2011-2012 school year, the school’s principal sent packets to the counselors and said to only give them to parents if they asked for it and that program information was only on the District’s website.

The GSPC reported that in the following school year (2013-2014), the District opened up SA to all students who applied, and 240 Grade 7 students participated. Although the GSPC reported that SA was available to all students who applied, she also stated that the program’s criteria was based on test scores, grades, teacher recommendations, behavior and attendance. The GSPC’s supervisor (the former Assistant Superintendent for Curriculum and Instruction, or ASCI) stated that the criteria changed for the 2014-2015 school year with all students who applied for SA being accepted to the program. Conversely, three teacher survey respondents and a VJHS counselor indicated that the Assistant Superintendent and/or Central Office personnel determined whether students could participate in the program. The VIS Principal stated that to participate in SA, students needed three references from “anyone” but added that for the past two years, applicants’ grades and test scores were reviewed. According to a special education administrator, students needed letters of recommendation for participation.

For the 2014-2015 through 2016-2017 school years, OCR determined that there was no information in secondary-level Student Handbooks regarding the SA/AOI programs. In addition, there was no information concerning the program in the JHS Subject Selection Handbooks for the 2014-2015 and 2015-2016 school years. The VWSD reported that for the 2016-2017 school year, it did not publish a subject selection handbook but rather used only a course selection form. OCR found that the 2016-2017 course selection form included a check box for “Scholastic Academy” with the following additional notations: “In accordance with STAR and State test results” and “Approval Required.”

The VWSD provided OCR with copies of SA student application packets for enrollment for the 2013-2014 and 2014-2015 school years. OCR determined applications requested identification of the student’s race, the school previously attended, and the counselor’s name at the previous school. The application forms stated the following documents were required: copy of report card and data on state assessment test, and three letters of recommendation from a school administrator, teacher(s), and a non-family member. Attached recommendation forms included a rating scale to rank the applicant regarding a list of learning characteristics (e.g., expresses creativity, grasps new and different concepts easily, etc.). The recommendation forms also contained space for comments and requested the selection of one of the following four checkboxes: “highly recommend student,” “recommend student,” “recommend student but with reservation,” and “cannot recommend student.”

OCR reviewed copies of 2015-2016 and 2016-2017 AOI application packets provided by the District. Based on OCR’s review, the 2015-2016 application form was substantially the same as for SA. However, the recommendation forms asked the recommending party to specifically provide information about the student’s strengths and weaknesses, behavior performance, and social interactions with adults and peers. Furthermore, the application packet added that students must “meet curricular expectations,” achieve academic standards (must have an 80 or above in all subject areas and score proficient or above on state tests), maintain regular attendance, and “display proper use of technology.” OCR determined that the 2016-2017 AOI application packet was substantially the same as for the prior year. However, it described the academic standard requirements as having an 80 or above in Math, Language Arts, and Science and “STAR” test reading and math data. According to VWSD, the number of students accepted was determined based upon applicants’ scores on a rubric, along with available space (copy of rubric not provided).

Regarding whether teacher recommendations were required for SA participation, the majority (22 of 32) of JHS teachers surveyed by OCR during the 2014-2015 school year were unsure (68.8%) while 10 teachers (31.3%) responded yes. Based on survey responses, the following criteria were required for participation: application by deadline, academic performance (grades and test scores), disciplinary record, and recommendations from principal and teachers. The majority of teachers surveyed did not know who determined whether a student could participate in SA.

With respect to whether information was provided to students and parents about SA, 17 of 32 JHS teachers (53.1%) who were surveyed responded yes, while 15 teachers (46.9%) responded they were unaware. Teachers who indicated information was provided reported that it addressed the application/enrollment process and the nature of the program. They also indicated the

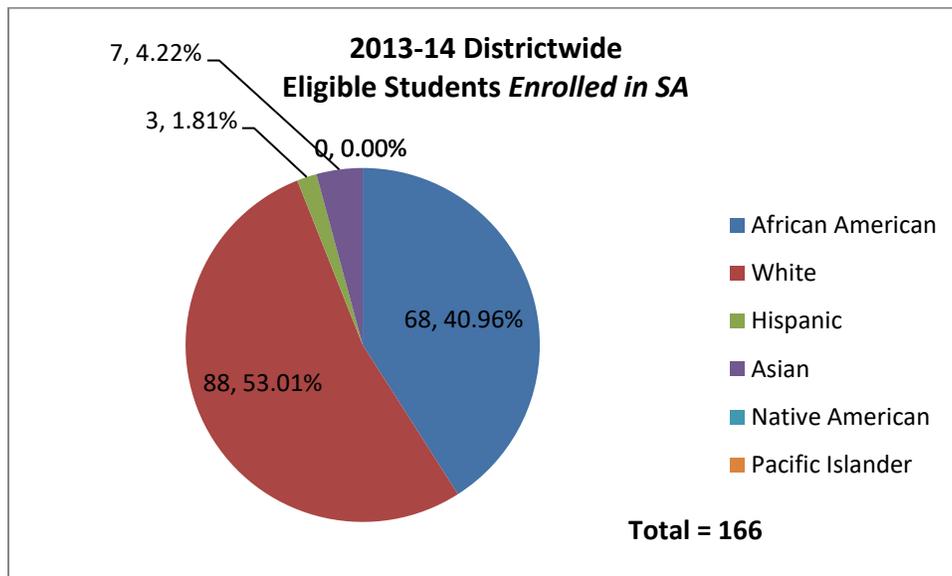
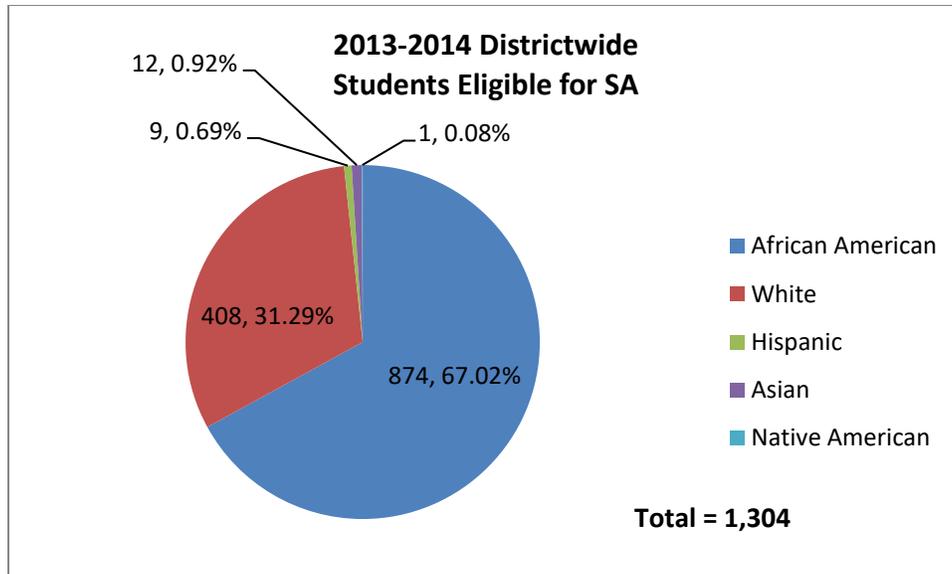
information was provided through the following means: verbally in Grades 6 and 7, the District website/parent portal/online link, letters/mail/flyers, and information sent home from the feeder school. In addition, the former ASCI reported that the SA program had displays presented during a 2012-2013 District SHOWCASE event at the local mall. Regarding the 2014-15 school year, the District provided a copy of a question and answer document that notified parents of an open house on Wednesday, August 6, 2014 at 6:00 pm at VHS.

During onsite interviews with groups of VJHS students (African American and White), students who had participated in SA and/or GATES (White) said that they learned about SA in 5<sup>th</sup> or 6<sup>th</sup> grade. The students in the above programs reported being informed about SA by teachers, including GATES teachers, principals, and a parent; also, some students indicated they learned about SA through a 6th grade field trip. Based on information from the students who had been in GATES and/or SA, students had to sign up to participate. However, they related they also needed good test scores, grades over 70, teacher recommendations, good behavior, and/or no disciplinary referrals. African American students interviewed (not in the program) related that students in SA did projects and that to get in the program, students had to have all grades of A or B. One African American student reported applying and not being accepted, and being told they had a “bad attitude.”

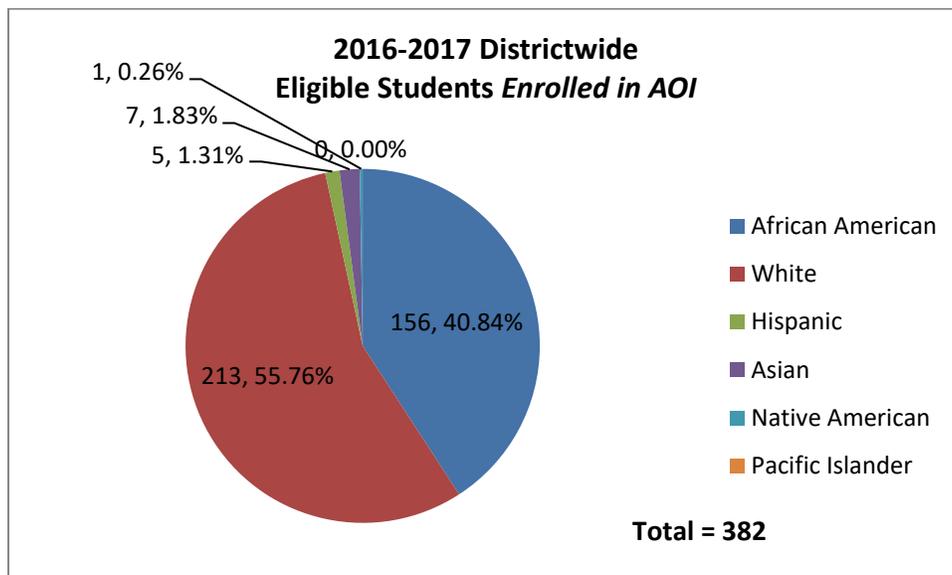
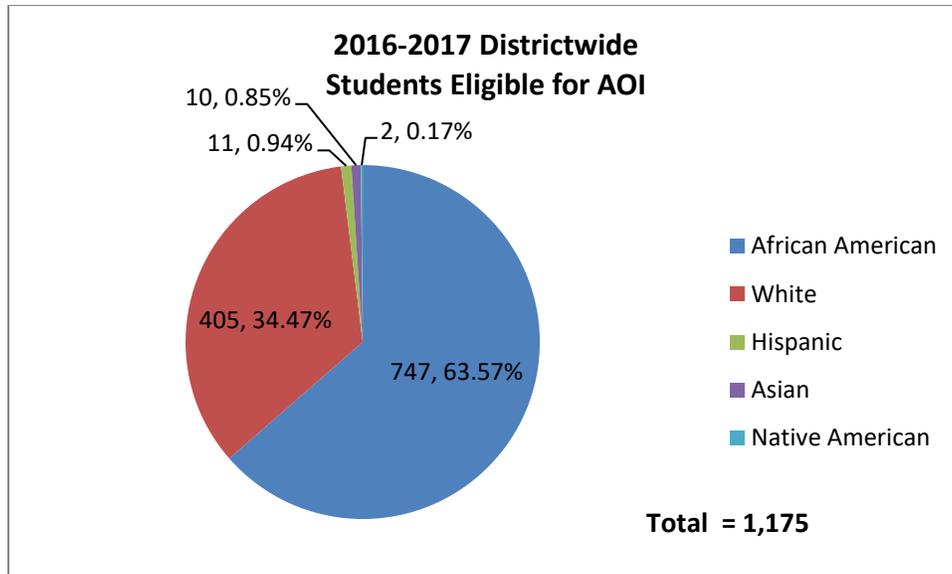
With respect to recordkeeping, during the September 2014 on-site visit, OCR conducted a review of student files for students enrolled and not enrolled in SA at the District’s two junior high schools: WCJHS and VJHS [total of 171 JHS student files--108 African American (63.16%), 57 White (33.33%), and 6 Other (4 Asian and 2 unknown race, 3.51%)]. OCR attempted to review cumulative files for each student currently enrolled in the SA program (no separate SA file existed). OCR also attempted to review as many cumulative files as possible from lists of African American and White (and/or Non-African American) students not enrolled in SA (Non-SA students). During the file review, OCR also found that some of the students’ whose files were examined had been enrolled in Honors (Heritage) History and/or English. However, based on the above file review, OCR was unable to determine how students were selected for SA. Nevertheless, for the files reviewed, OCR found that most SA students (African American and White) were previously in the GATES program.

### Demographics

Based on VWSD data, in the **2013-2014** school year, African American students constituted **67.02%** of all students identified by the District as eligible to participate in SA, but only **40.96%** of students *enrolled* in SA. Conversely, White students comprised **31.29%** of all eligible students, but **53.01%** of students *enrolled* in SA (see charts on next page).



In the **2016-2017** school year, African American students comprised **63.57%** of all students identified by the District to participate in AOI and **40.84%** of such students *enrolled* in AOI, while White students comprised **34.47%** of all eligible students, but **55.76%** of students *enrolled* in AOI (see charts on next page).



**HS Level:**

**Academic Honors Program (AHP): Honors, AP, and Accelerated or Enriched Courses**

The District reported that the AHP included courses that were either accelerated, enriched, or a combination of both. According to the VWSD, students electing to participate in this program were required to meet high academic standards and have parental permission for placement. Based on information from the 2013-2014 through 2016-2017 Secondary and/or K-12 Student Handbooks, students received one extra point for Honors courses and two extra points for AP courses for “Quality Point Average” (QPA) to determine class rank. Also, OCR determined that AP exams for college credit were available for students who completed one or more AP courses.

Based on VWSD narrative information and HS Subject Selection Handbooks for the 2013-2014 through 2016-2017 school years, the District offered the following AHP courses at WCHS and VHS as delineated below, almost all of which required prerequisite courses (some with minimum grades), teacher recommendations, and/or other additional requirements (e.g., summer reading with test):

**Honors Courses:** English I-IV, Biology, Chemistry, World History, U.S. History, Mississippi Studies, Geography, Economics, Visual Studio Art (VCHS), and Ceramics (VHS);

**AP Courses:** English Literature, Calculus, Chemistry, Biology, Physics, U.S. History, U.S. Government, and Music Theory (WCHS); and

**Other Advanced, Accelerated, or Enriched Courses:** Pre-Calculus and Trigonometry (2013-2014 to 2015-2016), Algebra III (2016-2017), Statistics, Accelerated Chemistry I (WCHS), and Modern Foreign Languages III-IV (Spanish or German).

In addition, OCR determined that the following AHP courses had fees: art courses (\$15 lab fee), science courses (\$25 lab fee), and all AP courses (\$89 exam fee, but students not required to test). However, OCR found that fee waivers were available for all fees.

Based on District narratives and interviews with administrators, students entering or re-enrolling in HS (Grades 9-12) selected their own class schedules for the upcoming year with counselor advisement and parent approval. During registration orientation in the spring semester, the VWSD reported that students in HS grades were provided copies of the HS Subject Selection Handbook and course selection forms to be signed by students and parents. According to the District, HS counselors (for students enrolling in grades 10-12) and JHS counselors (for students enrolling in grade 9) met individually with students to provide course advisement for class registration. Students were required to obtain parental signatures for course selection sheets before returning them to the guidance counselor.

Regarding WCHS, a District narrative stated that the school had an “open door policy” concerning the AHP, and any student interested in these programs was encouraged to enroll in AP or Honors classes. However, the narrative also indicated that “prerequisites were a factor for some classes due to the content knowledge required to be successful.” According to this narrative, if a student did not meet the recommendations for an AP/Honors class, or the counselor advising the student had concerns about the student’s ability to be successful in the class, a form was sent home for parents to sign acknowledging that the student did not meet the prerequisites for the class. However, the student was reportedly not ruled ineligible for the class unless it had a mandatory requirement, such as math. Based on interviews with the WCHS principal and counselor, counselors were involved in advising students regarding AP courses, and teachers signed forms for students seeking to enter AP courses.

Concerning VHS, the District stated that selection for Honors or AP courses was based on completing required prerequisite courses and obtaining a recommendation from the current subject area teacher. However, based on information from the VWSD, students had also received permission to enroll in these classes after having a conference with the AP or Honors teacher. Also, according to the District, although each prerequisite course had a recommended grade, it

was not “exclusionary.” In addition, endorsement of the current subject area teacher was reportedly “recommended,” but the parent had the option to override the recommendation. Furthermore, the VWSD stated that at various grade levels, VHS students could choose to enroll in such courses without prior accelerated-level classes.

In student group interviews, WCHS students who had participated in advanced courses and programs (Program students, all White) indicated that students could sign up for Honors classes if they met grade requirements; however, they variously identified the required grades as A or B, C+, or 75. However, one Program student related getting into an Honors course without meeting the grade requirement. Regarding enrolling in AP courses, WCHS Program students reported that students needed a grade of B or above in the previous regular version of that course although sometimes the grade requirements were not enforced as the school was trying to enroll more people in AP classes. In interviews with 15 WCHS students not participating in the advanced courses and programs (Non-Program students, all African American), some students reported they first learned of Honors courses when participating in SA, described as “Honors.” According to WCHS Non-Program students, students were required to have a 3.0 GPA to take Honors classes. Eleven of the 15 students indicated that they wanted to take an Honors course but did not meet the requirements. Non-Program students at WCHS were less knowledgeable about the requirements for AP classes, but one student said he was told a 3.0 GPA was required. Other students indicated that good conduct or good grades were needed to enroll in an AP class. Non-Program students generally reported that their counselors or teachers did not encourage them to take AP courses. However, one student stated informed them that a counselor would provide a recommendation, but the student would have to take regular U.S. History because it was a prerequisite. In reviewing the 2013-2014 and 2014-2015 HS Subject Selection Handbooks, OCR did not identify any courses specifically requiring regular-education U.S. History as a prerequisite. However, AP U.S. History, AP U.S. Government, and AP World History each had a prerequisite of prior Honors experience [subject(s) not specified].

OCR also interviewed VHS Program students (African American and White students). About 75% of White, Program students reported that they had previously participated in GATES. Most of these students related they learned of advanced courses and programs in junior high school through teachers and counselors. However, one African American, Program student related that he wanted to take one of the above courses but was discouraged by his teachers and told he was “not organized enough.” During interviews at VHS with Program students, the White students indicated that in order to sign up for AP and/or Honors classes, students needed a teacher’s recommendation and good grades. Most African American Program students indicated that teacher recommendations were needed to enroll in Honors and AP classes and that good grades were also necessary for AP courses. About half of such students said that teacher or administrators encouraged them to take Honors classes. Most Non-Program, African American students reported that they did not receive information on Honors, AP and advanced courses/programs.

In addition, on October 24, 2014, OCR called a self-identified African American parent in response to her email. According to the parent, her daughter had taken multiple AP and Honors courses, but upon registering for AP English, the teacher (who was apparently White) contacted her and advised her to have her daughter withdraw from the class. The parent explained that based on the above, she and her daughter went to the counselor and substituted Honors English.

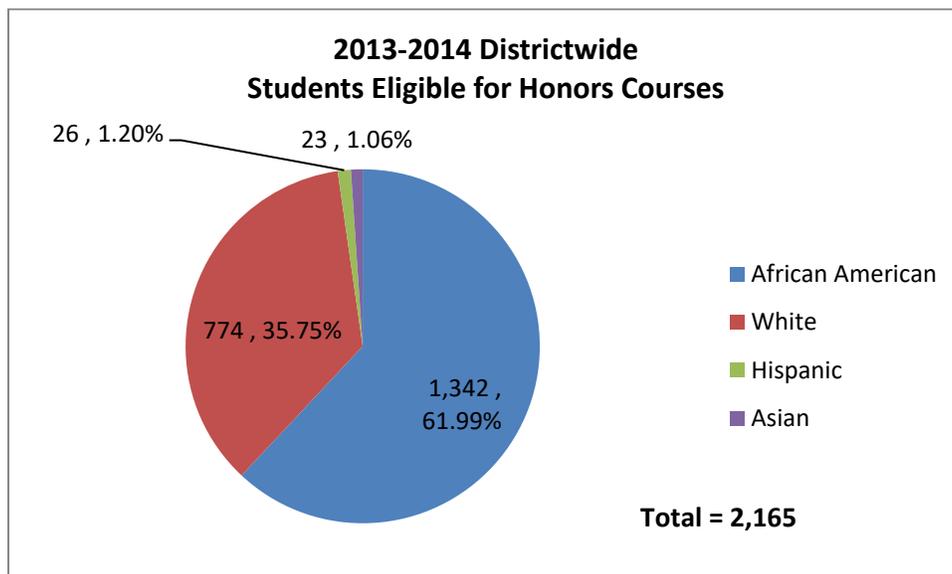
Based on narrative information from the District, there were no recordkeeping requirements for AHP courses. OCR conducted an onsite file review at the two high schools (WCHS and VHS), reviewing students' cumulative files. In conducting the file review, OCR attempted to review as many files as possible from lists of African American and White students who had participated (and had not participated) in advanced programs (e.g., AP, Honors, or Accelerated courses, or GATES). OCR reviewed a total of 122 HS student files [81 African American (66.39%) and 41 White (33.61%)]. Of the total 122 files reviewed, 54 files (44.26%) were for **Program** students: 34 African American (62.96% of 54) and 20 White (37.04% of 54). OCR reviewed 68 files for **Non-Program** students: 47 African American (69.12% of 68) and 21 White (30.88% of 68). Overall, OCR's file review revealed that cumulative files included transcripts for each grade level (on jacket of file). Although some students' files indicated they previously participated in earlier advanced academic programs or courses, OCR did not identify any documentation of teacher recommendations/approvals for HS AHP courses.

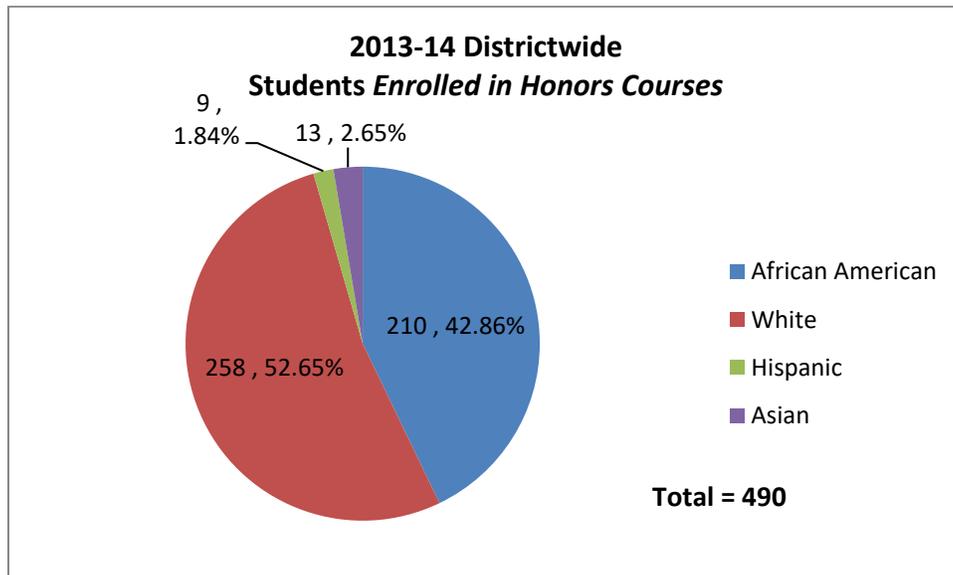
Based on the above file review, OCR determined that most African American and White **Program** students at VHS had not previously participated in GATES, JHS Honors courses, and/or SA. However, at WCHS, the majority of White (but not African American) **Program** students at WCHS had participated in such programs/courses. In addition, at each school, OCR found that about a quarter of **Non-Program** students (both African American and White) were former GATES, SA, and/or JHS Honors students.

### Demographics

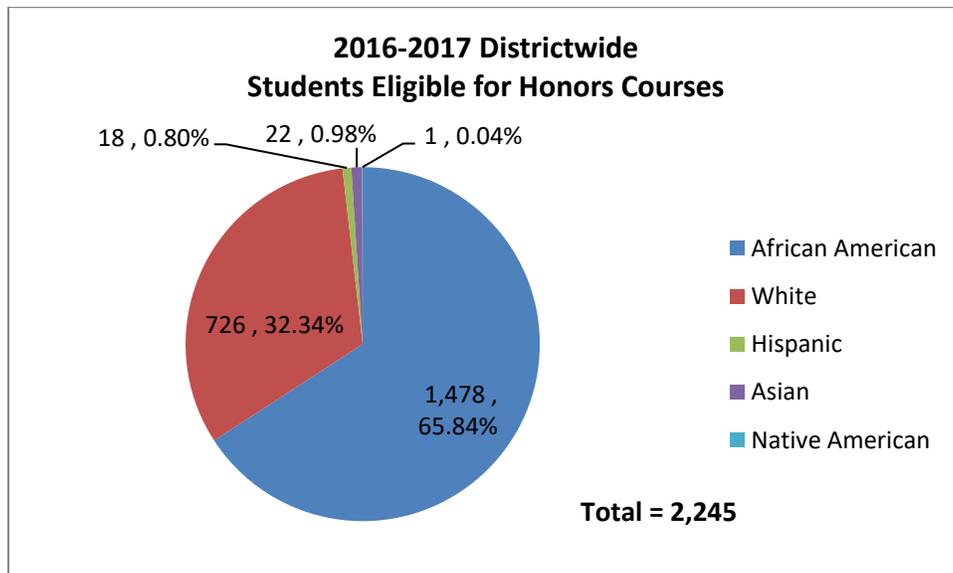
#### **Honors Courses**

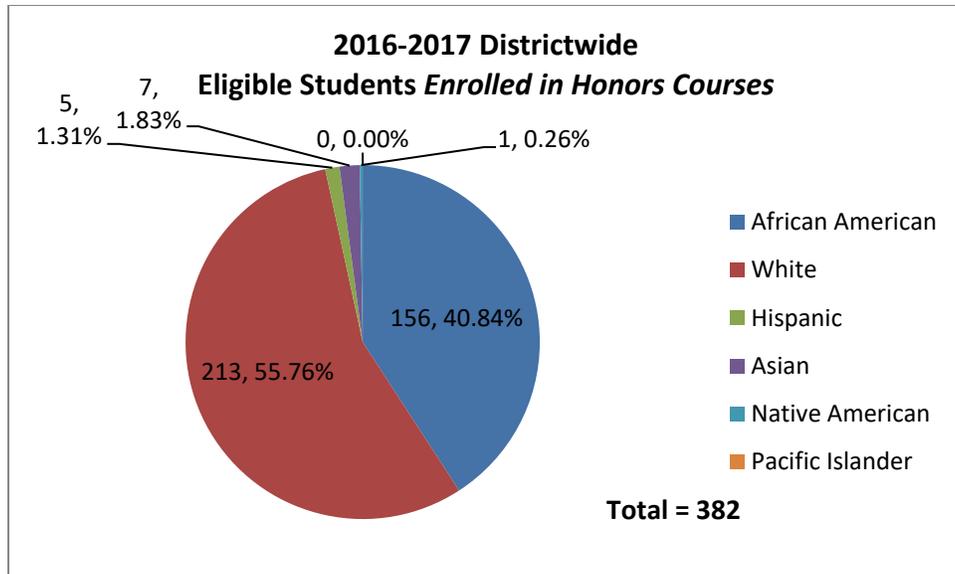
Based on VWSD data, in the **2013-2014** school year, African American students constituted **61.99%** of all students identified by the District as eligible to participate in Honors courses, but only **42.86%** of students *enrolled* in Honors courses. Conversely, White students comprised **35.75%** of all eligible students, but **52.65%** of students *enrolled* in Honors courses (see charts below and on next page).





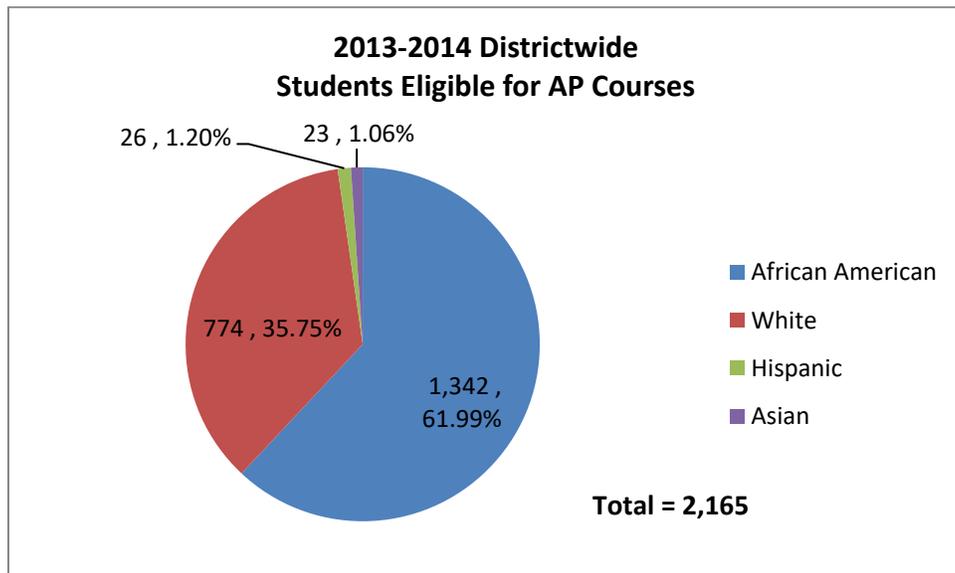
For the **2016-2017** school year, VWSD data revealed that African American students comprised **65.84%** of all eligible students and **40.84%** of students *enrolled* in Honors courses, while White students constituted **32.34%** of all eligible students, but **55.76%** of students *enrolled* in Honors courses (see charts on next page).

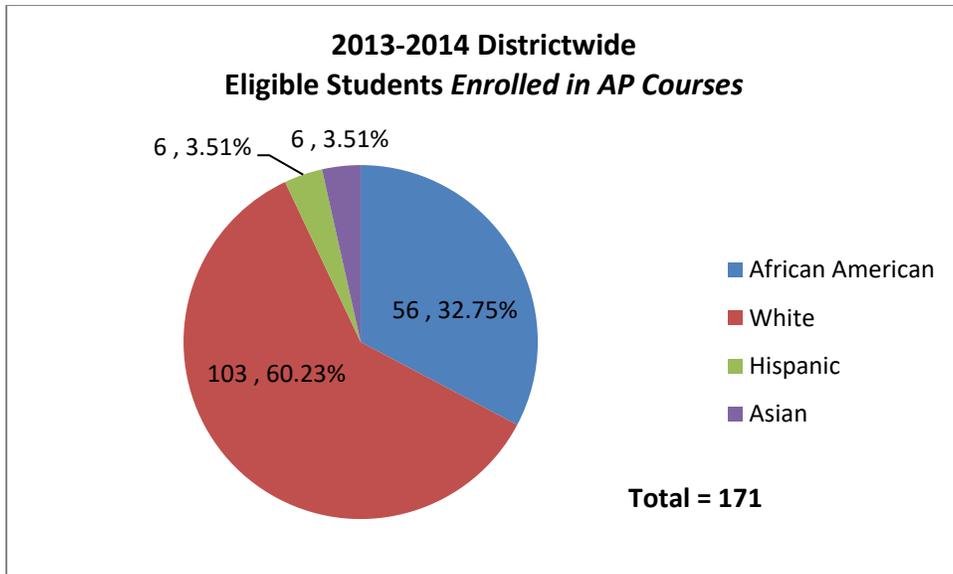




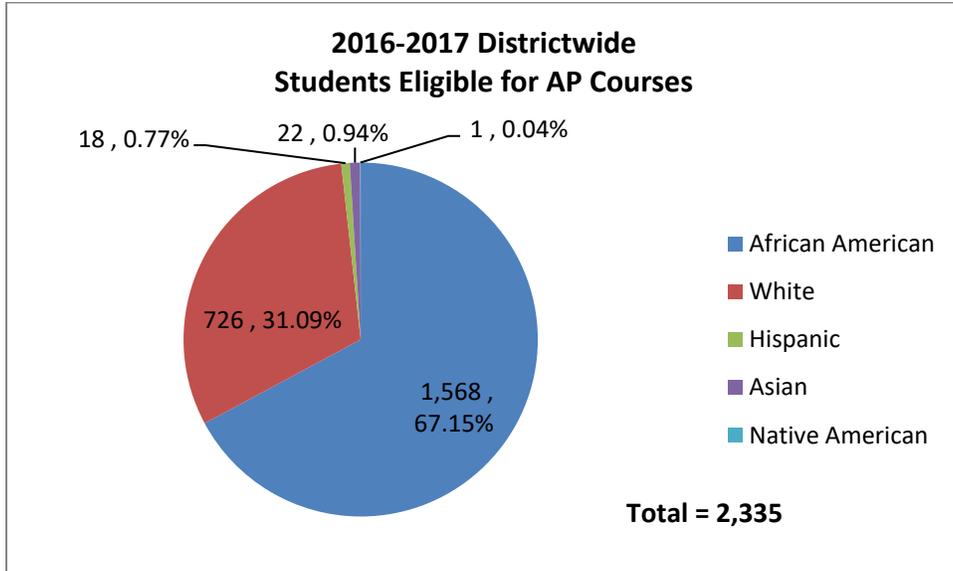
**Advanced Placement (AP) Courses**

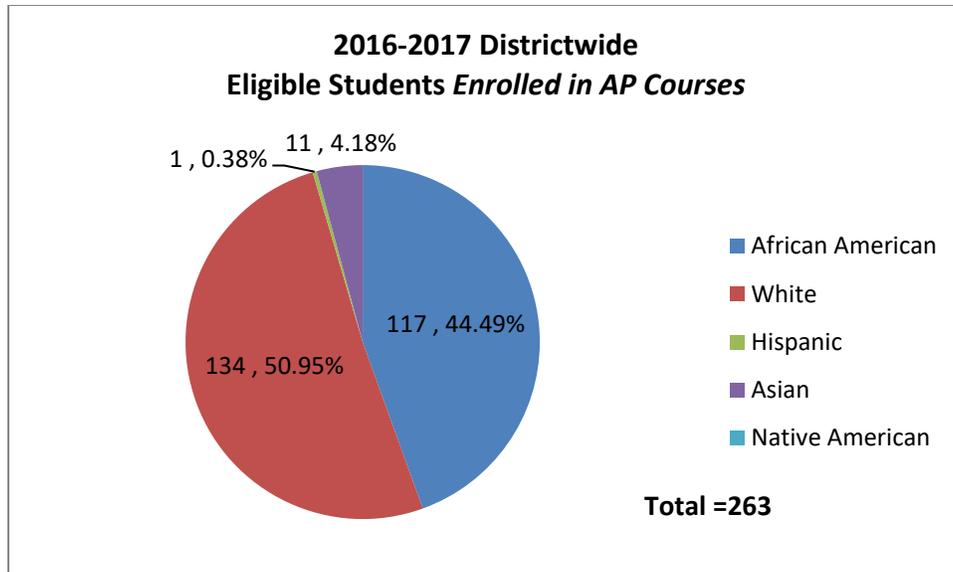
Based on VWSD data, in the **2013-2014** school year, African American students constituted **61.99%** of all students identified by the District as eligible to participate in AP courses, but only **32.75%** of students *enrolled* in AP courses. Conversely, White students comprised **35.75%** of all eligible students, but **60.23%** of students *enrolled* in AP courses (see chart below and on next page).





Based on VWSD data, in the **2016-2017** school year, African American students comprised **67.15%** of all eligible students and **44.49%** of students *enrolled* in AP courses, while White students comprised **31.09%** of all eligible students, but **50.95%** of students *enrolled* in AP courses (see chart below and on next page).





### Dual Enrollment (DE)/Dual Credit (DC) Programs

The VWSD reported that in cooperation with Hinds Community College (HCC), it offered a DE Program. According to the District, students still enrolled in high school were allowed to enroll in courses at the HCC-Vicksburg campus. In this way, students could begin earning college credit before graduating from high school. OCR also determined that in some cases, HS students were allowed to simultaneously earn college or vocational credit toward a post-secondary diploma that would also count as a credit toward a high school diploma (Dual Credit, or DC, Program). The investigation revealed that students in the 11<sup>th</sup> and 12<sup>th</sup> grades were eligible for participation in the DE and DC programs.

The District reported that the following were required for the DE program:

1. Must have completed at least ten (10) core high school units and taken the ACT, but no specific score is required.<sup>8</sup>
2. Must have at least a 3.0 grade point average (on 4.0 scale), or better, on all high school courses, as documented on an official high school transcript.
3. Must have an unconditional written recommendation from their high school principal and/or guidance counselor.

According to the District, students were required to complete a new HCC admissions application once they have graduated high school if they planned to attend HCC the following summer or fall semesters, following all the admissions requirements of a beginning freshman.

In addition, HCC required the following for dual-enrolled students:

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<sup>8</sup> ACT sub-scores were reportedly used to place students in the appropriate courses. Students with less than ten (10) core high school units could be considered for dual admission if they had at least a thirty (30) composite ACT score.

1. Submit an official high school transcript.
2. Submit official ACT scores (typically on the high school transcript).
3. Letter of recommendation from their high school principal and/or guidance counselor.

The VWSD reported that in some cases, dual-enrolled students could also be eligible to receive dual credit from their respective high schools and earn credit toward high school graduation (DC program). The District stated that it was at the high school's discretion regarding whether it would allow a student to receive DC toward high school graduation. Students interested in participating in this program were reportedly advised to contact their respective high school counselor prior to enrollment at HCC. The VWSD reported that the HCC required a \$100.00 fee per semester for the above programs and that no financial aid was available for dual-enrolled students. However, the District related that beginning in the 2016-2017 school year, HCC began waiving the above fee. Based on interview information, the criteria for DE/DC participation were set jointly by HCC and the VWSD.

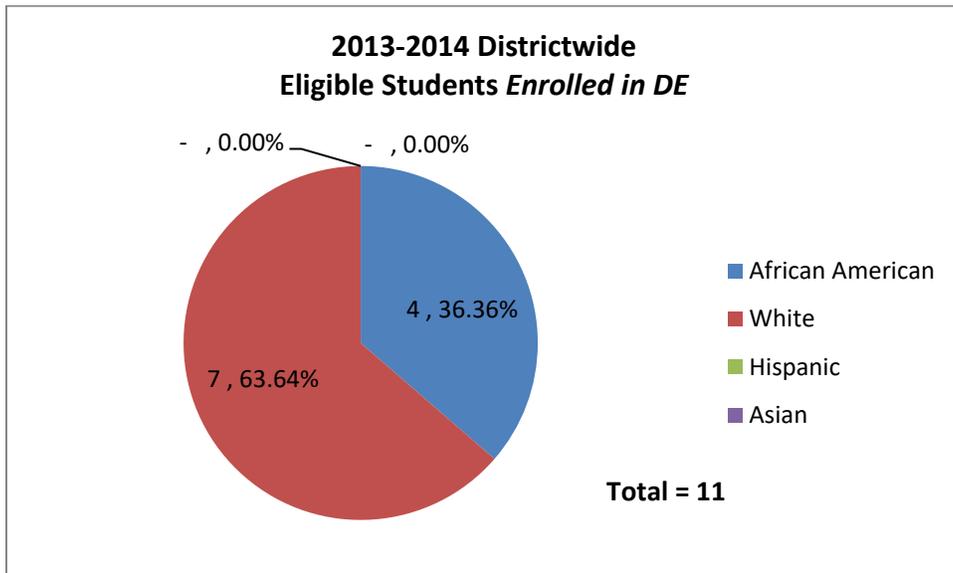
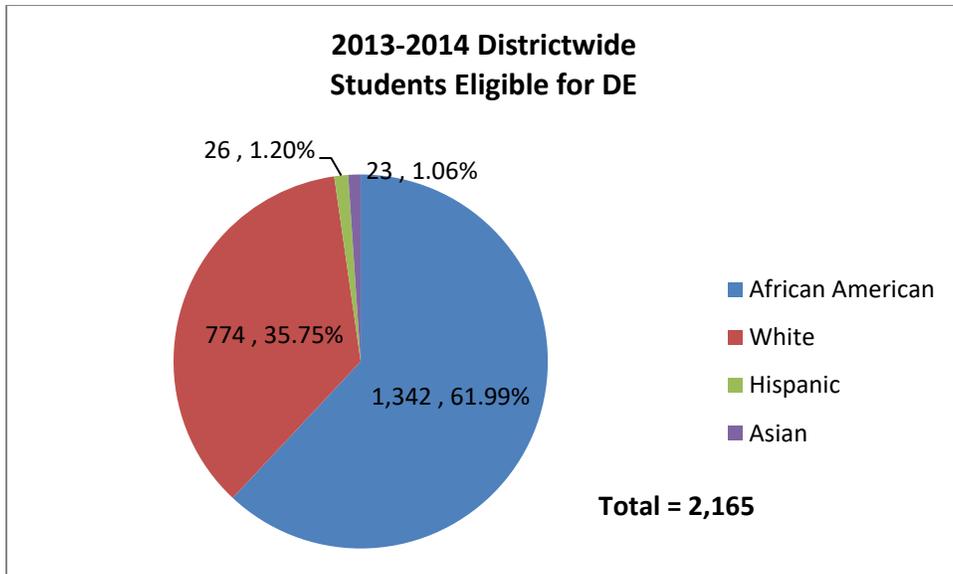
Regarding the DC program, the investigation revealed that the VWSD had a memorandum of understanding with the postsecondary institution regarding what DE/DC courses would be offered each year. Although the program was reportedly open to students at both schools, collaboration with local Career and Technical personnel, administrators and staff determined which DC courses would be offered at each HS.

In interviews with OCR, White, WCHS Program students who were interviewed were more knowledgeable about DE/DC than African American, Non-Program students. During interviews at VHS, OCR found that some Program and Non-Program White students, as well as some African American Non-Program students, had some knowledge regarding the DE/DC programs. However, the majority of African American Non-Program students indicated they did not know about the programs or did not receive information about them.

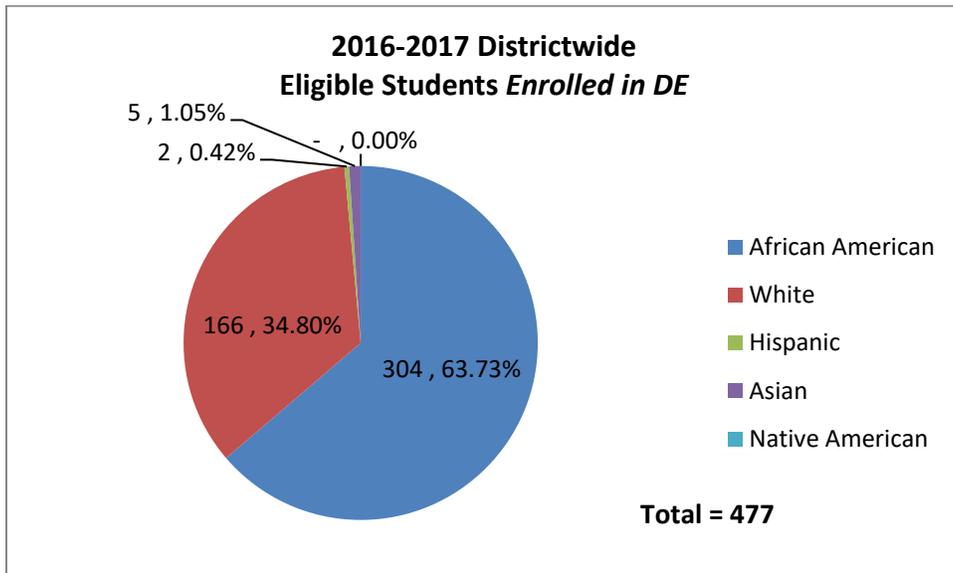
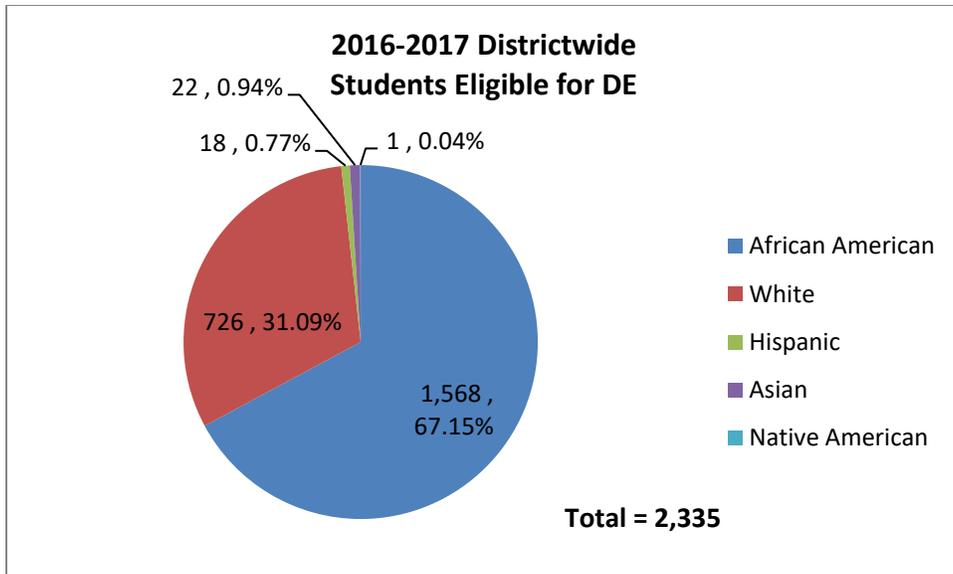
The VWSD did not provide any information regarding recordkeeping requirements for the DE/DC programs. Furthermore, OCR's review of cumulative files for students at WCHS and VHS did not identify any students participating in the above programs.

### Demographics

Based on VWSD data, in the **2013-2014** school year, African American students constituted **61.99%** of all students identified by the District as eligible to participate in DE, but only **36.36%** of students *enrolled* in DE. Conversely, White students comprised **35.75%** of all eligible students, but **63.64%** of *enrolled* DE students. However, there were only 11 total DE participants in the above school year: 4 African American students and 7 White Students (see charts on next page).



In the **2016-2017** school year, African American students comprised **67.15%** of all eligible students and **63.73%** of students *enrolled* in DE. For the above school year, White students comprised **31.09%** of all eligible students and **34.80%** of *enrolled* DE students (see charts on next page).



### **Career and Technical Center (CTC)**

The investigation revealed that the VWSD’s CTC program was located on the HCC—Vicksburg Campus. During the 2013-2014 school year, OCR determined the CTC program offered the following programs of study: Agriculture and Forestry, Automotive Technology, Biomedical Science, Business Fundamentals and Marketing Skills, Career Pathway Experience (CPE), Carpentry, Culinary Arts, Early Childhood Education, Engineering, Health Science, Law and Public Safety, Machine Shop, Simulation and Animation Design, and Welding Technology. The purpose of the program was reportedly to provide career-technical training to help students transition from high school to higher education, advanced training, and/or a career.

OCR found that enrollment in the CTC and related courses was based on HCC teacher approval. Parents and students were reportedly notified of availability through the course selection process when counselors distributed application packets to all interested students. According to the VWSD, students were required to meet standards set forth by HCC and to enroll through HCC’s process.” The District stated that the college determined the prerequisites for the program, but the HS counselor provided transcripts and the recommendation form (supplied by HCC) to HCC. OCR found that the VWSD provided transportation to the program for CTC students.

OCR’s review of the 2013-2014 and 2014-2015 HS Subject Selection Handbooks identified CTC “Career Clusters” offered for study.<sup>9</sup> In addition to a completed application, the handbooks indicated that specific prerequisites were recommended.

The VWSD provided OCR with a copy of a 2013-2014 CTC application form. Based on OCR’s review, the form included a request for the student’s race, but also contained a statement of nondiscrimination based on race, color, and national origin. The form listed the above CTC programs and stated that an application was required for Culinary Arts, Early Childhood Education, Health Science, and the CPE programs. The form required the signatures of the parent, student and “home school” counselor. For the 2013-2014 application, the back of the form was to be completed by the HCC counselor and VWSD personnel and requested specific information regarding recommended prerequisites.

According to the VWSD, during the 2014-2015 school year, HCC began offering dual credit for some Career and Technical classes (e.g., Animation and Simulation, Agriculture Science, and Auto Mechanics, etc.). In addition, the District reported that a Licensed Practical Nurse program was added for the 2016-2017 school year. As previously related, beginning in the 2016-2017 school year, HCC began waiving the \$100 fee for DC classes. Based on information from the VWSD, in the 2016-2017 school year, the program also added new CTC classes through Alcorn State University with the District paying the full price for the classes (no cost to student, as with the HCC CTC program).

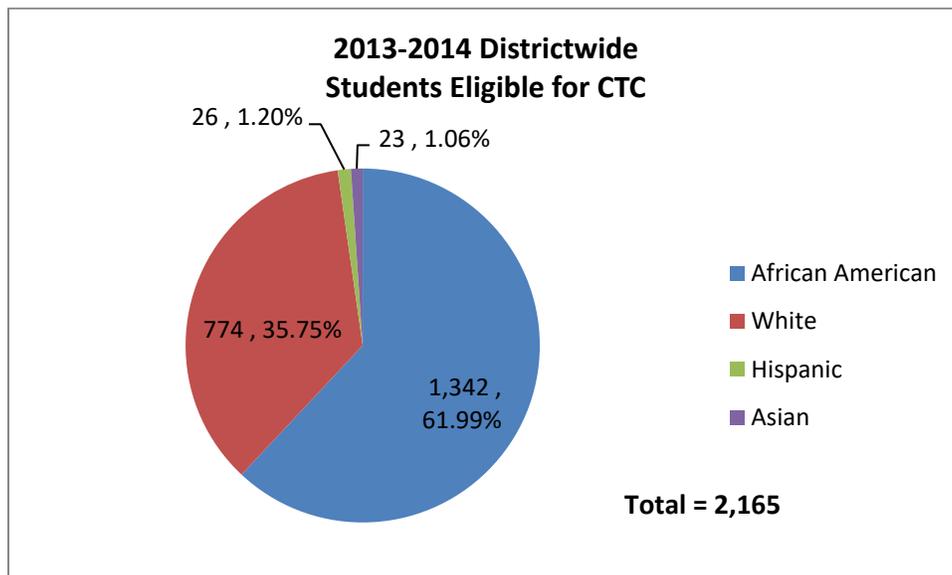
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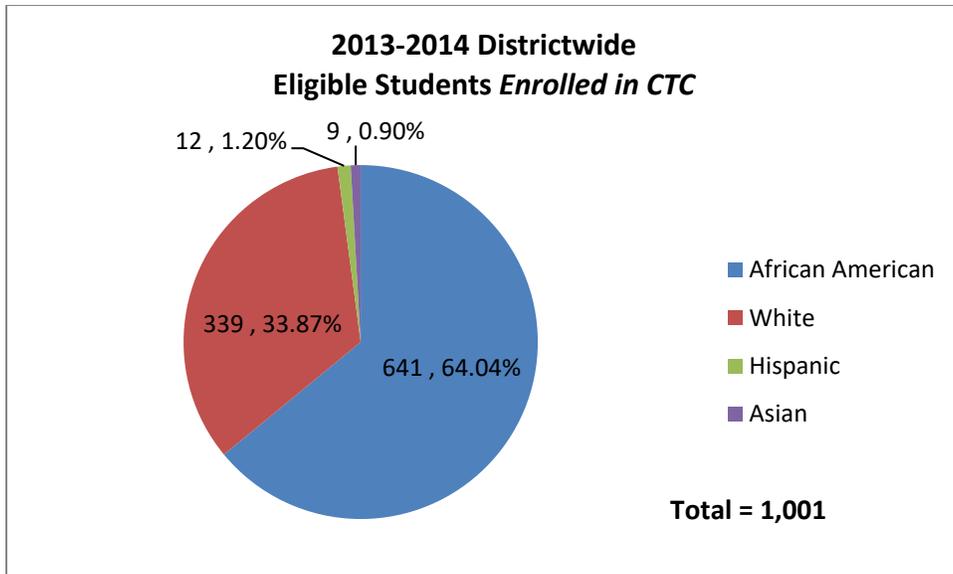
<sup>9</sup> CTC Career Clusters for the 2013-2014 and 2014-2015 school years included: Agricultural, Food, and Natural Resources; Architecture and Construction (including Drafting); Health/Science; Human Services (including Culinary Arts); Early Childhood Education; Manufacturing Cluster (including Welding); Transportation, Distribution, and Logistics; Business Marketing; and the “Career Pathways Experience” (CPE).

OCR’s review of the 2016-2017 HS Subject Selection Handbooks revealed that the CTC revised and expanded the previous Career Clusters and that students who successfully completed a two-year career technical program would receive a certificate of completion; CTC students also had the opportunity to earn DC for some programs of study. Although OCR did not obtain copies of the 2015-2016 and 2016-2017 CTC applications, the VWSD reported that the prerequisite requirements for participation in the CTC program did not change for the above school years and that HCC developed the application forms.

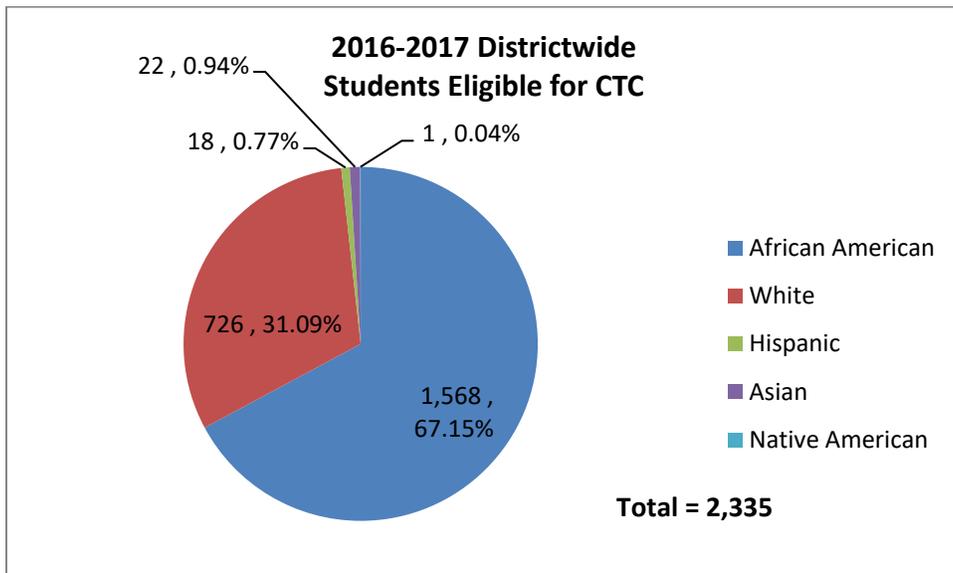
Demographics

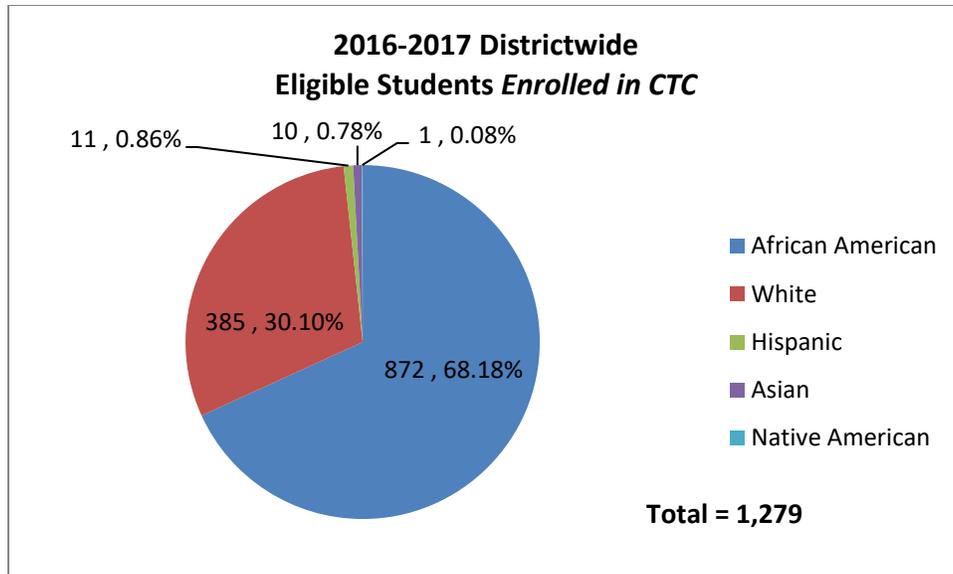
Based on VWSD data, in the **2013-2014** school year, African American students constituted **61.99%** of all students identified as eligible to participate in the CTC program, and the majority of students *enrolled* in the CTC program (**64.04%**). White students comprised **35.75%** of all eligible students, and **33.87%** of *enrolled* CTC students (see charts below and on next page).





In the **2016-2017** school year, African American students comprised **67.15%** of all eligible students and **68.18%** of students *enrolled* in the CTC program, while White students comprised **31.09%** of all eligible students, and **30.10%** of *enrolled* CTC students (see charts below and on next page).





### River City Early College High School (RCECHS)

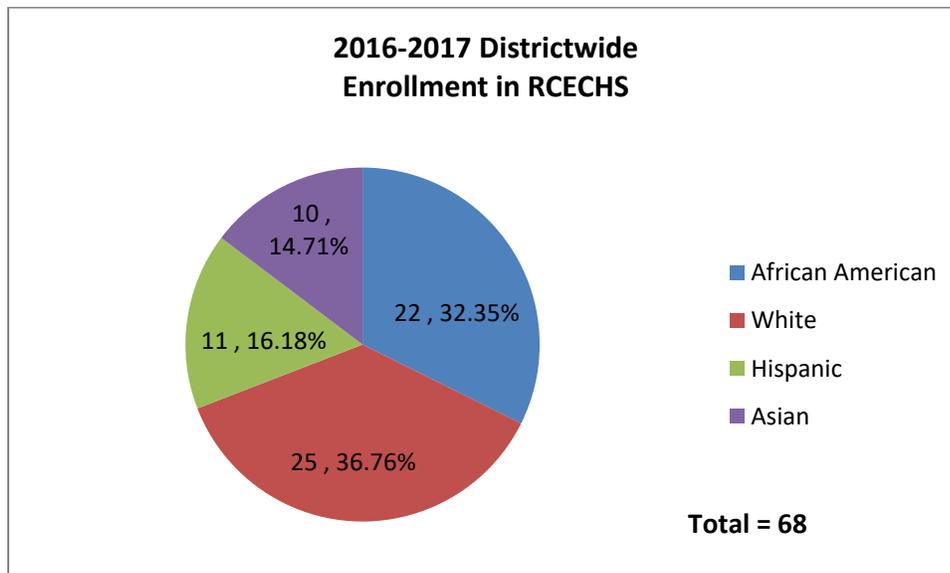
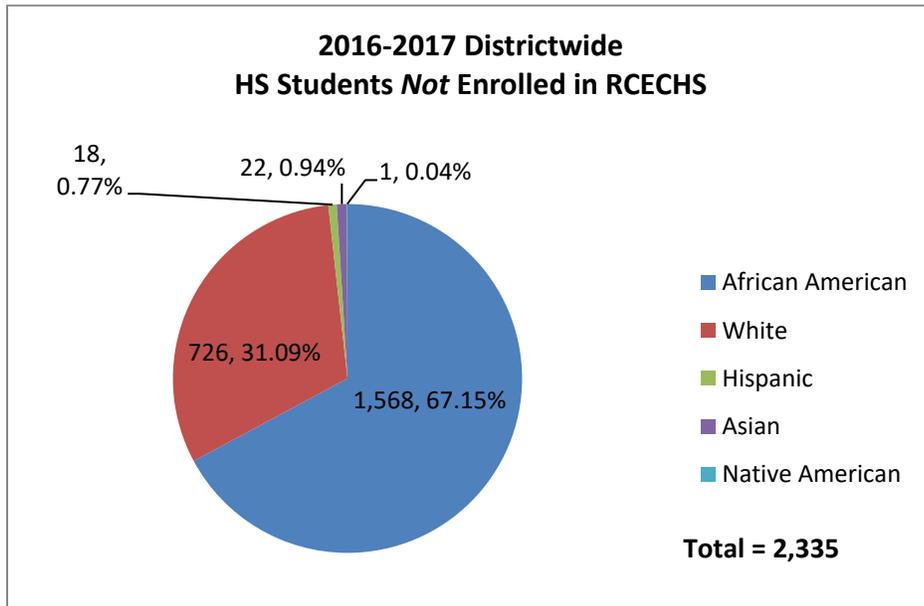
According to a written narrative from the VWSD dated September 28, 2016, the RCECHS opened in August 2016 and was located on the HCC-Vicksburg campus. The District reported that it was designed based on suggestions from the MDE. Students enrolled at the campus had the opportunity to earn an associate’s degree or two years of college by the time they graduated from high school. Students in the program reportedly took English I, Mississippi Studies/Geography or World History, Algebra I or Geometry, Biology, and two college classes (provided by HCC). The school reportedly served 55 students as of the date of the above narrative. Copies of application forms stated that the class selected would reflect the academic, ethnic, geographic and socioeconomic diversity of the District.

The RCECHS was not in existence at the time of OCR’s onsite interviews and file review or subsequent surveys to counselors and teachers. Therefore, OCR only conducted a limited review of the program. However, based on information from the VWSD, District administrators spoke to 8th grade students and disseminated flyers about a parent meeting. Parents were notified through a call-out system, social media and newspaper articles. To apply to the program, students completed an application and interview. According to the District, MDE provided the application and interview used, and counselors and parents were required to complete parts of the paperwork. The District related that the only requirements were that students complete the 8th grade and fill out the application. Based on a review of the VWSD’s website on October 3, 2016, OCR found that the website included a description of the RCECHS and a student application packet.<sup>10</sup>

<sup>10</sup> On June 14, 2018, OCR again reviewed the VWSD’s website (including the webpage for RCECHS), which still included links to RCECHS application forms, but not a description of the program. (<https://www.vwsd.org/site/Default.aspx?PageID=2254>).

Demographics

The District identified all students eligible to participate in the RCECHS, all of whom were reportedly enrolled. Based on VWSD enrollment data, the following charts provide the total enrollment for HS students enrolled and not enrolled in the RCECHS by race/ethnicity for the 2016-2017 school year. As indicated in the table below, 2016-2017 District enrollment data revealed that African American students constituted 67.15% of all HS students not enrolled in the RCECHS, but only 32.35% of students enrolled in the RCECHS. Conversely, White students comprised 31.09% of all HS students not enrolled in the RCECHS, but 36.76% of students enrolled in the RCECHS (see charts below).



### **C. Statistical Analysis**

As a part of this investigation, OCR sought to determine whether there was a statistically significant association between African American and White students' eligibility for, and enrollment in, the following District programs and courses: ES Level--GATES, JHS-level SA and AOI, and HS-level Honors Program, AP Program, DE Program, CTC, and RCECHS. As a threshold matter, OCR first examined whether there was a statistically significant difference in the number of students of each race who were deemed eligible for a given program. Thereafter, using figures representing the population of eligible African American and White students, OCR assessed whether there was a statistically significant association between student race and program enrollment during the school years spanning 2013-2014 to 2016-2017.

Because the analyses involved only two variables (student race/ethnicity and eligibility or enrollment), OCR utilized the Fisher's Exact Test (FET) and Chi-Square test. When the analysis involved small cell sizes, OCR employed the FET. For both tests, when the probability ("P") of the results being due to chance was five percent (0.05) or less, OCR considered the results to be statistically significant. For each statistical analysis, OCR counted each student only once.

With respect to VWSD's ES -level GATES, Chi-Square and Fisher's Exact Tests revealed statistically significant associations between student race and program enrollment (but not eligibility) during the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. In each school year, the probability that eligible African American students would be enrolled in the GATES program was less than would be expected by chance. Likewise, for VWSD's JHS-level SA/AOI programs, Chi-Square and Fisher's Exact Tests revealed statistically significant associations between student race and program enrollment (but not eligibility) during the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. The probability that African American students would be enrolled in this program was also less than would be expected by chance.

At the HS-level, Chi-Square and Fisher's Exact Tests revealed that African American students had a greater than expected probability of being eligible for the VWSD's Honors Program during the 2016-2017 school year. This result notwithstanding, there were statistically significant associations between student race and enrollment in VWSD's Honors and AP Programs overall during the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years, with the probability of African American student enrollment in the programs being less than would be expected by chance. Similarly, the probability of African American student enrollment in VWSD's DE Program was less than would be expected by chance during the 2014-2015 and 2015-2016 school years. Conversely, African American high school students had a greater than expected probability of being enrolled in VWSD's CTC during the 2015-2016 school year. Lastly, although all eligible African American and White students were enrolled in the RCECHS during the 2016-2017 school year, the probability African American students would be deemed eligible for the program was less than would be expected by chance.

## **D. Conclusion**

### **ES: GATES**

Other than the PPS profile form, OCR determined that the District's policies and procedures for referring, screening, evaluating, and identifying students for participation in the GATES program were neutral and nondiscriminatory on their face with respect to student race, color, or national origin. Regarding the profile form, OCR noted that the form (used after a student qualified for assessment based on the results of the screening test and GRS) did include an inquiry regarding student race. However, the investigation revealed that psychometrists utilized profile information to select an appropriate intelligence/ability test for assessment.

The investigation also revealed the VWSD publicized the GATES program to parents via information on the VWSD website and the K-6 Student Handbook. In addition, the District reported that it disseminated a program brochure at the school level and at local libraries. However, as previously stated, at OCR's forum, some parents reported they were not informed about the program. Also, parents raised the following concerns: historically low participation of African American students and teachers in GATES; limited opportunity for parent input; that only test scores mattered; and not being informed that students had to be intellectually gifted to qualify for placement or of the opportunity for appeal or reassessment.

There was no information to show that students were treated differently based on race concerning receiving first grade GATES screening as the investigation revealed that all children in the above grade were screened. Moreover, based on OCR's file review, the majority of GATES folders for students in the program included some documentation of GATES identification although the amount and quality of such documentation varied by school. However, GATES students' cumulative files often did not indicate participation in the program. Also, OCR's file review showed that in many cases, there was no documentation of GATES screening in the cumulative files for students who were not found eligible for the program following screening or referral. In addition, for the 2013-2014 through the 2016-2017 school years, OCR found statistically significant associations between student race (African American or White) and GATES enrollment with fewer eligible African American students enrolled in the program than expected by chance.

Based on the above statistical disparities, parental concerns and limited awareness of the program as well as the lack of documentation of screening, referral, or evaluation in ineligible students' files, OCR had concerns regarding whether African American students had equal access to the VWSD's GATES program as compared to non-African American students.

### **JHS: 7<sup>th</sup> and 8<sup>th</sup> Grade Advanced Courses and SA and AOI**

Based on its investigation, OCR determined that the policies and procedures for identification/referral, evaluation/testing, and selection/assignment for 7<sup>th</sup> Grade Algebra and 8<sup>th</sup> Grade Honors American History and English were neutral and nondiscriminatory on their face regarding student race/ethnicity. Also, information about the above advanced courses and the criteria for participation were widely disseminated to students and parents. Nevertheless, the District ceased offering the above courses after the 2013-2014 school year.

OCR determined that the SA/AOI application forms for the 2013-2014 through 2016-2017 school years included inquiries regarding student race. In addition, OCR received conflicting interview information from District administrators, campus personnel, and students regarding whether all students who applied were accepted for enrollment, or whether students were required to have specific test scores, grades, and/or letters of recommendations from teachers, their principal, and/or others. Moreover, although the District initially reported that the program ended in the 2014-2015 school year, OCR found that the program continued as AOI. In addition, other than copies of the application packets, OCR received only limited information concerning referral, application, evaluation, and selection for the SA/AOI programs. Also, documentary and interview information obtained suggested that dissemination of program information was limited. Finally, as previously stated, OCR's statistical analysis revealed statistically significant associations between student race and SA/AOI enrollment (but not eligibility) during the 2013-2014 through 2016-2017 school years, and the probability that African American students would be enrolled in this program was less than would be expected by chance.

Based on the above statistical disparities, inconsistent interview information regarding referral, evaluation, and selection, and a lack of documentation regarding student selection in students' cumulative files, OCR had concerns regarding whether African American students had equal access to the SA/AOI programs.

### **HS: AHP, CTC, DE/DC, RCECHS**

Based on the above information, OCR determined that VWSD had written policies and procedures for identification/referral, evaluation/testing, and selection/assignment for the HS AHP, CTC, DE/DC, and RCECHS programs. Also, excluding inquiries about student race on CTC application forms, OCR also determined that the above policies and procedures were neutral and nondiscriminatory on their face regarding student race, color, and national origin, and that description of the above programs and requirements for enrollment were included in Student Handbooks and HS Subject Selection Handbooks.

As previously stated, OCR only conducted a limited review of the RCECHS program, which began in the 2016-2017 school year. However, OCR noted that the application form indicated that RCECHS had a goal of selecting class reflecting the academic, ethnic, geographical, and socioeconomic diversity of the District.

Regarding the AHP, OCR had concerns regarding conflicting information from VWSD narratives and interviews with District administrators, campus administrators, and guidance counselors regarding practices with respect to whether course prerequisites and teacher recommendations were required prior to enrollment in AHP courses. Moreover, OCR's file review did not identify documentation showing whether teacher recommendation/approvals were obtained prior to AHP enrollment. In addition, there were some comments from Non-Program students at WCHS and one Program student at VHS (all African American) indicating that teachers and/or counselors had discouraged them from taking Honors courses. Furthermore, as related above, although OCR's statistical analysis revealed that African American students had a greater than expected probability of being *eligible* for the VWSD's Honors Program during the 2016-2017 school year, there were statistically significant associations between student race and

*enrollment* in VWSD's Honors courses (one or more) and AP courses (one or more) overall during the 2013-2014 through the 2016-2017 school years. Specifically, for the 2013-2014 through 2016-2017 school years, OCR found that the probability of African American student enrollment in the above courses was less than would be expected by chance. Therefore, OCR had concerns regarding whether African American had equal access to the AHP as compared to non-African American students based on the above statistical disparities, inconsistent information from District and campus personnel regarding whether prerequisites and/or teacher recommendations were consistently required, and interview information from some African American students indicating they were discouraged from participating in the program.

With respect to the CTC, OCR's statistical analysis revealed that African American HS students had a greater than expected probability of being deemed *eligible* for the VWSD's CTC program during the 2016-2017 school year and a greater than expected probability of being *enrolled* in the program during the 2015-2016 school year. Although the above statistical analysis did not indicate that African American students were under enrolled in the CTC program, OCR had concerns that the 2013-2014 CTC application form included an inquiry regarding student race.

Regarding the DE/DC program, although OCR's statistical analyses revealed that African American students had a greater than expected probability of being deemed *eligible* for the VWSD's DE program during the 2016-2017 school year, the above analysis also indicated that the probability of African American student enrollment in the DE Program was less than would be expected by chance during the 2014-2015 and 2015-2016 school years. Furthermore, at WCHS, OCR determined that some apparently African American students were not very knowledgeable about the DE/DC programs. Therefore, based on the above statistical disparities and limited awareness of the programs among some African American students, OCR had concerns regarding whether African American students had equal access to the AHP as compared to non-African American students.

As previously related, OCR determined that the procedures for placing or enrolling students in the GATES program, junior high Honors/Advanced courses, AHP, and DE/DC program were neutral and nondiscriminatory on their face with respect to student race, color, and national origin. However, as application forms for the SA/AOI and CTC programs requested information regarding student race, OCR had concerns regarding whether placement and enrollment procedures for the above two programs were racially neutral and nondiscriminatory.

#### **E. Summary of Resolution Agreement**

OCR acknowledges that the District has engaged in ongoing efforts to increase participation in its CCR courses and programs, and appreciates its willingness to voluntarily resolve the compliance concerns that OCR identified in the review. In accordance with the Agreement, the District agrees to take specific steps to:

- Identify a designated employee with appropriate expertise regarding providing all students with equal access to CCR programs and courses, who will review and assess these programs;
- Determine whether modifications to CCR programs and courses are appropriate based on the designated employee's recommendations, and if so, implement such modifications;
- Provide training for District staff and administrators regarding CCR programs and courses;

- Ensure that any race information on CCR program/course application forms is not shared with individuals reviewing applications for admission determinations;
- Review its recruitment/eligibility/selection criteria for CCP, and based on the review, revise as appropriate;
- Engage in parent and student outreach;
- Review academic counseling services provided to students regarding CCR and preparatory courses/programs and foundation courses, and based on the review, revise as appropriate; and
- Maintain data regarding screening, eligibility, and enrollment for college and career preparatory courses/programs.

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. Page Baird, Senior Equal Opportunity Specialist at (214) 661-9604, or at [page.baird@ed.gov](mailto:page.baird@ed.gov), or Ms. Terri Gonzales, Supervisory Attorney/Team Leader at (214) 661-9687, or at [terri.gonzales@ed.gov](mailto:terri.gonzales@ed.gov).

Sincerely,

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

cc: XX. X. XXXXXXX XXXXXXX, XXX  
XXXXX, XXXXXXX & XXXXXXX, LLP

XX. XXXXXX (XXX) X. XXXXXX,  
XXXXX and XXXXXX, LLP

XX. XXXXXXXX XXXXXXXX,  
Assistant to the Superintendent, VWSD