



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

November 21, 2017

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Re: Docket No. 07-14-5001
Norman Public School District

Dear XX. XXXXX:

This letter confirms the resolution of the above-referenced compliance review of the Norman Public School District (District), Norman, Oklahoma, initiated by the U. S. Department of Education (Department), Office for Civil Rights (OCR), Kansas City Office on January 8, 2014. OCR conducted this compliance review pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) §§ 2000d *et seq.*, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100, which prohibit discrimination based on race, color, or national origin in programs and activities receiving financial assistance from the Department. The District is a recipient of financial assistance from the Department and therefore is subject to Title VI and its implementing regulation.

The compliance review assessed whether the District discriminates against African American, Hispanic, and Native American students with respect to access, referral, identification, and selection for the District's gifted and talented education (GATE) program and middle and high school advanced, accelerated, and other college and career readiness courses and programs.

As explained below, prior to the conclusion of OCR's investigation, the District requested to resolve the review voluntarily through a Resolution Agreement (Agreement) with OCR. Therefore, OCR did not reach conclusions regarding the District's compliance with Title VI. The District has worked collaboratively with OCR throughout this review to provide requested information and to address the compliance issues OCR has identified. In order to ensure equal educational opportunities for African American, Hispanic, and Native American students and to address the compliance concerns identified by OCR, the District agreed to a series of remedial actions, described in the attached Agreement, and initiated many of the activities prior to entering into this Agreement. This letter summarizes the applicable legal standards, information gathered and considered to date in the investigation, and the compliance review resolution.

I. Legal Standard

The standards for determining compliance with Title VI are set forth in the regulation at 34 C.F.R. § 100.3(a) and (b). The regulation, at 34 C.F.R. § 100.3(a) states that no person shall, on the grounds 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 receiving federal financial assistance.

Section 100.3(b)(1)(i)-(vi) of 34 C.F.R. further states that a recipient may not, on the grounds of race, color or national origin, deny an individual any service or benefit of its programs; provide any service or benefits to an individual which are different or provided in a different manner; subject an individual to separate treatment; restrict an individual in the enjoyment of any benefits of its programs; treat an individual differently in determining eligibility for its programs; or, provide an individual an opportunity to participate in a program through the provision of services which is different from that afforded others under the program.

The regulation at 34 C.F.R. § 100.3(b)(2) also provides that a recipient may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination on the basis of race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

The administration of how students participate in educational programs can result in unlawful discrimination based on race, color, or national origin in two ways: first, if students are subject to different treatment based on their race, color, or national origin and, second, if a policy or procedure is neutral on its face and administered neutrally but has a disproportionate and unjustified effect on students of a particular race, color, or national origin.

a. Different Treatment

To determine whether students have been subjected to discriminatory treatment on the basis of race, color, or national origin under Title VI and the regulations, OCR determines whether there is evidence that students of one race were treated differently than students of other races. If there is such evidence, OCR examines whether the recipient can provide a legitimate nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the recipient's actions were based on the students' race.

b. Disparate Impact

OCR also reviewed the evidence to determine whether the District's policies and practices had an unlawful disparate impact on African American, Hispanic or Native American students. Schools violate federal law when they evenhandedly implement facially neutral policies or practices that were not adopted to discriminate but their implementation nonetheless has an unjustified effect of discriminating against students on the basis of race, color, or national origin.

The resulting discriminatory effect is commonly referred to as “disparate impact.” In examining the application of a facially neutral policy or practice, OCR will engage in the following three-part inquiry.

- 1) Do the facially neutral policies and procedures result in an adverse impact on students of a particular race, color, or national origin as compared with students of other races?
- 2) Are the policies and practices necessary to meet an important educational goal?
- 3) Even in situations where a district can demonstrate that its policies and practices are necessary to meet an important educational goal, are there comparably effective alternative policies and practices available that would meet the district’s stated educational goal with less burden or adverse impact on the disproportionately affected racial group, or is the district’s proffered justification a pretext for discrimination?

II. District Overview

The District is located in central Oklahoma approximately 20 miles south of Oklahoma City and is the eighth largest school district in the state. The District has 17 elementary schools, four middle schools, two high schools, and one alternative school (Dimensions Academy). During the 2014-15 school year, a total of 17,610 students were enrolled in the District. There were 10,603 White students, which represented 60.21% of the student body. The largest minority populations were Hispanic students and Multi-racial students, each representing nearly 13% of the population. African American students were the next largest minority population with 6.21% of the student body. While the 2009-10 Civil Rights Data Collection (CRDC) data indicated Native American students were the largest minority student population in the District, the 2014-15 enrollment data from the District indicates Native American students were the fourth largest minority population, representing 5.24% of the population. Students of Asian and Pacific Islander descent made up 2.93% and 0.11% of the student population, respectively.¹

Figure 1: Total Enrollment by Race (District-Wide), 2014-15		
Race	Number	Percentage
White	10,603	60.21%
African American	1,093	6.21%
Hispanic	2,239	12.71%
Native American	922	5.24%
Asian	516	2.93%
Pacific Islander	20	0.11%
Multi	2,217	12.59%
Total	17,610	100.00%

According to the 2009-10 CRDC data, although White students comprised 60.21% of the overall District enrollment and 61.81% of high school enrollment, they accounted for 70.00% of the

¹ The District’s August 31, 2015 data response is the source for all data in all tables, charts, and graphs in the remainder of this letter unless otherwise noted.

students in all gifted and talented programs and 67.17% of the students in Advanced Placement (AP) courses. In comparison, African American students comprised 6.21% of District enrollment and 7.45% of high school enrollment, but accounted for 2.20% of students in all gifted and talented programs, and 3.16% of AP course enrollment. Similarly, Hispanic students comprised 12.71% of District enrollment and 10.56% of high school enrollment, but accounted for 6.26% of the students in all gifted and talented programs, and 8.11% of the students in AP courses.

III. Scope of Investigation

During this compliance review, OCR reviewed policies, procedures, forms, and eligibility criteria related to relevant District courses and programs. OCR also reviewed information related to staff training and information available to students and parents about the relevant District courses and programs. OCR interviewed the District's former Superintendent and other District administrators, including the Director of counseling services, the Director of the gifted and advanced placement program (GATE/AP Director),² the Director of the Indian Education Program, and four high school guidance counselors. OCR conducted a survey of District staff including the counselors, teachers, and administrators serving on site-level GATE advisory committees regarding their knowledge of the District's programs that were the focus of this compliance review. OCR also contacted parents in the District regarding their knowledge and perspective on the District's programs and courses considered in this compliance review.

OCR determined the following programs fell within the scope of this compliance review: 1) GATE; 2) accelerated coursework offered at the middle school level; 3) AP course offerings; 4) non-AP course offerings designated as "college preparatory" at the high school level; 5) Accelerated Study Based on Excellence through Guidance, Industry and Scholarship (AEGIS) advanced math and language arts course offerings; 6) the Advancement Via Individual Determination (AVID) program; 7) the District's dual enrollment options with area post-secondary institutions; 8) Norman Net online education program; 9) opportunities available to District students via the Moore Norman Technology Center (MNTC); and 10) the District's Indian Education Program. OCR reviewed information for the 2012-13, 2013-14, and 2014-15 school years relevant to these programs.

During the investigation, OCR reviewed publicly available information about the District as well as data and information provided by the District, including:

- information describing each of the programs or courses and where offered;
- eligibility criteria for GATE, AP, middle and high school advanced coursework, dual enrollment, AEGIS, AVID, Norman Net, and MNTC;
- identification and/or referral practices for GATE, AP, middle and high school advanced coursework, dual enrollment, AEGIS, AVID, Norman Net, and MNTC;
- parent and student outreach materials;
- GATE building-level and District site plans;
- professional development and training provided to District and school-site staff;

² The GATE/AP Director also coordinates the AVID program.

- information describing the process, if any, for students and/or parents to appeal or request reconsideration of a decision that the student did not qualify or was not selected for a given program;
- any formal or informal complaints of discrimination on the bases of race and/or national origin during the 2013-14 or 2014-15 school years related to these programs; and
- student participation rates for the GATE, AP, middle and high school advanced coursework, dual enrollment, AEGIS, AVID, Norman Net, and MNTC programs.

In addition, OCR reviewed information regarding the total number of students enrolled in the District by race, color, or national origin and the total number of students enrolled in the GATE program (or other programs or courses subject to review) by race, color, or national origin. The District provided OCR its overall enrollment and program participation information for the 2014-15 school year. OCR analyzed the data provided by the District to identify disparities between the enrollment and participation rates in the relevant District courses and programs for these racial groups.

IV. Preliminary Findings of Fact

The District offers a variety of advanced or accelerated opportunities and supports for students in all grade level and has introduced several newer programs as well as recently hired a new GATE/AP Director in an effort to increase minority student participation in its GATE and other advanced or accelerated courses and programs. During his interview with OCR, the former Superintendent described his interest in ensuring equitable access for all students to the District's programs and benefits. He indicated that sometimes demographic changes occur faster than a program changes, but there should be a systemic process in place to help make adjustments as needed to foster equality of opportunity for students to succeed. To that end, he stated that several years ago, the District began looking at programs that were the most obvious in terms of affecting future post-secondary student success, specifically the AP program. He stated that he told staff the students in AP classes should look like the students in the hallways. He instructed staff to review and eliminate barriers to students taking these classes, things he called "gatekeeping" measures like prerequisite scores to be eligible for accelerated programs. He stated that regardless of what a student's education level is at the time they enter the District, the District's job is to catch them up, not hold them back. He also placed a greater focus on reaching out to students to encourage enrollment in AP and other accelerated programs and stated the District saw minority student enrollment in these classes improve. He stated that the District became much more student-driven in terms of what courses and programs were offered. For example, he stated they worked with a local community college on the possibility of offering dual enrollment courses on District campuses, to avoid the transportation issue.

As part of its investigation, OCR considered whether the students enrolled in the various courses and programs that were part of this review reflected the overall student demographics for the District. OCR analyzed the 2014-15 District-wide enrollment for each of the programs identified for this compliance review. The below chart (Figure 2) below provides an overview of OCR's test for statistical significance for each of the programs at the District-wide level.³ OCR

³ Statistical disproportionality alone does not determine compliance or noncompliance with Title VI and OCR makes no such findings due to the voluntary resolution of this review by the District.

determined that statistically significant disparities existed for African American, Hispanic, and Native American students in the GATE program at the elementary and secondary levels. African American and Hispanic students were underrepresented to a statistically significant degree in the AP program, in middle school accelerated courses, in dual enrollment participation, and in participation at MNTC. African American students were underrepresented to a statistically significant degree in the AEGIS program. OCR determined that African American, Hispanic, and Native American students were not underrepresented to a statistically significant degree in the Norman Net or AVID programs.⁴

Figure 2: Overall Statistical Significance Results

Program/Level	African American vs. White	Hispanic vs. White	Native American vs. White
GATE (District)	✓	✓	✓
GATE (PK-5)	✓	✓	✓
GATE (6-8)	✓	✓	✓
GATE (9-12)	✓	✓	✓
Mid. School Accelerated	✓	✓	✗
AP	✓	✓	✗
AEGIS	✓	✗	✗
AVID	✗	✗	✗
Dual Enrollment	✓	✓	✗
Norman Net	✗	✗	✗
MNTC	✓	✓	✗

✓ = Statistically Significant (p-value < 0.05)⁵

✗ = Not Statistically Significant

1. Gifted and Talented Education (GATE) Program

a. GATE Program

The District has established three goals for gifted education in its annual “Gifted/Talented Education Plan” (GATE Plan), based on the “Schoolwide Enrichment Model” developed by Dr. Joseph Renzulli and Dr. Sally Reis. First, it identifies “affective support,” which it describes as an ongoing process of identification of students for the program from entry into school through twelfth grade. Every school year, the District adopts a District-wide GATE Plan that describes

⁴ While OCR’s analysis showed statistically significant disparities overall for African American, Hispanic, and Native American students in many of these programs, the individual results vary by school site. Additionally, in some instances when looking at a particular program in a specific school, including or removing a few students from the analysis would have resulted in a different outcome. Thus, while the statistical significance chart shows overall whether a particular racial group was underrepresented to a statistically significant degree in a particular program, the number of students implicated can at times be as low as two or three at a given school site for a particular program.

⁵ OCR considered a disparity statistically significant when the p-value obtained from the appropriate statistical test is less than 0.05, which indicates such a result (or a more extreme result) would occur by chance less than 5 in 100 times.

the overall goals for the program as well as establishing identification criteria and other procedural matters. The District notes in its District-wide GATE Plan that GATE students “are found in all races, cultures, genders, and socioeconomic groups.” The District identifies Gifted Resource Coordinators (GRCs) as key implementers of this goal. The District specifically references the importance of providing GATE students with “instructional activities that help students develop awareness of group stereotyping and its implications in historical and current discrimination.” The GATE Plan also states students “will have instructional opportunities that promote self-awareness and appreciation of their own and others’ language and cultural heritage.” The second goal of the District’s GATE Plan is appropriate pacing of curriculum and instruction, which includes proficiency promotion. The third goal of the GATE Plan is school-wide enrichment through learning opportunities “that allow students to pursue interests and to work in-depth to create products that exhibit authentic learning.”

The District provides GATE programs for students in grades PreK-12 and allows students to enter at any point in their school career if they are determined to be eligible for the program. GATE enrichment programs vary by elementary site. The District offers GATE enrichment at the middle school level by offering students the opportunity to take some high school courses for high school credit, and at the high school level with AP courses, although these options are also available to non-GATE students.

The GATE/AP Director told OCR there is a gifted resource coordinator (GRC) at every elementary and middle school. At the elementary school level, GRCs focus on identifying students for the programs and providing appropriate curriculum options. At the middle school level, the goals are the same but because the academic content is more difficult; core curriculum teachers are the “content experts” and the GRCs focus on finding ways to help the core curriculum teachers provide enrichment to gifted students. The GATE/AP Director stated that at high school, there are no GRCs but each site has an AP coordinator who serves in a similar role. The GATE/AP Director described gifted education at the high school level as “student driven,” with students being able to choose AP and other more academically rigorous coursework as well as participation in clubs and organizations that provide advancement and enrichment opportunities. The GATE/AP Director stated that Dimensions Academy, the District’s alternative school, does not have a separate GRC or AP director because its program is inherently self-paced and provides instruction based on what the individual students need.

The District has written policies and procedures describing the GATE program’s goals, identification and selection procedures, and an appeal process for students not selected for the program. The policies and procedures are facially neutral. The District’s website includes a page dedicated to the GATE program, located at <https://www.normanpublicschools.org/domain/1962>.⁶ The website includes links to the District GATE Plan, GATE identification criteria and procedures, and nomination forms. The website also includes names and email addresses for GRCs at each District site, as well as a link to the building site’s GATE webpage, if it has one.

⁶ During its investigation, OCR reviewed the District’s relevant policies and procedures in effect for the 2012-13 and 2013-14 school years.

The District attempts to involve parents in GATE programming by inviting parents to participate on GATE advisory committees at both the District and building site levels. Parent representatives serve on two District-wide GATE committees and each school GATE Site Committee. The District GATE committees are responsible for working with the GATE/AP Director to develop the annual District-wide GATE plan, which is approved by the Board of Education. In addition, each building site is required to complete and submit annual GATE plans. The District's GATE/AP Director informed OCR that prior to her appointment, the GATE/AP Director did not review and approve individual site GATE plans (which include site GATE budgets) each year but that she intended to do so.

The GATE Site Committees at each school site are comprised of the principal, the GRC for elementary and middle schools or AP coordinator at high schools, counselor, and selected teachers and parent representatives. Each site develops a site-specific GATE plan that is updated each year. At the elementary school level, GRCs focus on identifying students for the programs and providing appropriate curriculum options. Program offerings vary by school site and are set forth in the site-specific GATE plan. However, all site plans must relate back to the three District-identified goals for the GATE program: 1) affective support; 2) appropriate pacing; and 3) school-wide enrichment. The District's alternative school, Dimensions Academy, does not have a separate GATE site plan because the students attending are referred to it from various other school sites throughout the District. The Norman Net program also does not have a separate GATE site plan because it is an online program, rather than a school site. The District provided copies of the site plans for the 2012-13, 2013-14, 2014-15 school years.

b. GATE Identification and Criteria

The District's GATE Plan states that its GATE identification procedures "will be nondiscriminatory with respect to gender, race, ethnicity, economic background, national origin, or handicapping condition."

Each site at the elementary and middle school level (except Dimensions Academy) has a GRC, who is responsible for managing the process of identifying and selecting students for the GATE program and also providing instructional support and enrichment for these students. While the GRC may identify and refer students, the District also allows teachers, administrators, parents, and students themselves to complete a referral form.

A nomination form may be completed on any student by any District personnel, as well as parents, community members, and other students. The District generally uses criteria described in the nomination and matrix forms to identify giftedness through commonly used and nationally recognized sets of indicators. There are no program or course prerequisites required to qualify for GATE programs. The District told OCR that all school sites use the same criteria for identification of GATE students.

Students qualify for GATE education in one of three categories. Category 1 students are those who have scored at the 97th percentile or above on a nationally recognized standardized test of intellectual ability. The tests used by the District for this purpose include the Cognitive Abilities Test (CogAT), Naglieri Nonverbal Ability Test (Naglieri), Kaufmann Brief Intelligence Test

(KBIT-2), and the Slosson Intelligence Test (Slosson). The District told OCR that all of these tests are approved for use in determining GATE program eligibility by the Oklahoma State Department of Education. The District also provided excerpts from the technical manuals of these tests regarding their reliability and validity. The District administers the CogAT to students in grades 2, 4, 6, and 9. Any student scoring at the 97th percentile or above on that test is automatically placed, with parent consent, in the GATE program (Category 1). A student may also be placed in Category 1 if the student scores at or above the 97th percentile on an alternative standardized test described above. Students who qualify for Category 1 placement do not require a formal nomination.

Category 2 gifted students are identified via criteria set forth in the District’s “Gifted Program Nomination Inventory,” and the “Gifted Program Identification/Selection Matrix” (Gifted Matrix). These are students who do not score at or above the 97th percentile on the CogAT or alternative standardized test described above, but still qualify via a combination of other factors identified in the Gifted Matrix. To be considered, the student must score at least at the 87th percentile on the CogAT or alternative standardized test. Each parent/guardian receives notification regarding their child’s CogAT score either in person at a parent-teacher conference or by mail. While the method of distribution varies by school site, all parents/guardians receive the same type of notification which is a CogAT-generated “Profile Narrative” printout containing a student’s test scores and a form letter from the District explaining what CogAT measures. The District’s GATE/AP Director stated that the District does not automatically provide additional testing to students who score in the 87th percentile to 97th percentile range. The District administers alternative tests to students based on nominations by parents/guardians, teachers, principals, counselors, or other District staff members and members of the community. Alternative testing is also administered only with parent/guardian permission and the results are reported to the parent/guardian.

The GATE/AP Director also stated that the site GRC decides what alternative test is used with a student, and noted that the District intentionally does not use only one standardized test to determine giftedness. As an example, the GATE/AP Director stated that for some students, such as English Language Learner (ELL) students, the Naglieri test more effectively measures those students’ abilities than does the CogAT test, and thus the District often uses the Naglieri as an alternative test to assess an ELL student’s eligibility for the GATE program. The GRCs receive training regarding each type of test used by the District. Based on a student’s characteristics and staff recommendations, the GRC determines which test is most appropriate for the student. Input regarding a student’s characteristics may come from both staff and parents/guardians. If the GRC knows a student performs best in a one-on-one test setting, he or she will select a secondary test that is best administered in a one-on-one setting for purposes of determining Category 2 eligibility for that student. In addition, if after a secondary test the student still does not qualify as gifted, but is still believed by GRCs and staff to exhibit gifted characteristics, staff members have the discretion to administer a third test which, again, is selected based on the student’s particular characteristics.

The student then is given points based on their CogAT or standardized test score (2-10 points depending on score), his or her Oklahoma state test scores in Reading/English II and Math/Algebra I (2-4 points depending on whether they scored “satisfactory” or “advanced”), and

his or her achievement on one of the following: 1) a second nationally standardized achievement test score; 2) score on either the EXPLORE or PLAN or ACT or SAT test; 3) score on PSAT test (1-5 points depending on score). They can also receive a maximum of 2 points based on recommendations submitted by the student, a peer, parent, or teacher. If the student receives a total of 12 or more points, the student is recommended for Category 2 gifted placement.

A subcategory of Category 2 students are students who qualify as “talented” under the Gifted Matrix. The District often refers to these students as Category 3 students although the State of Oklahoma only recognizes two categories of GATE students. OCR will reference these two different types of GATE students as “Category 2 gifted” and “Category 2 talented” for purposes of this analysis. Category 2 talented students may qualify for the GATE program based on their talents in the fine arts (music, drama, visual arts, and dance), creative thinking, or leadership ability.

The District’s GATE Plan states students placed in the GATE program will remain in the program for the remainder of their enrollment in the District, unless the parent/guardian decides the student should no longer participate in the program. The Assistant Superintendent for Educational Services stated that the District would not dismiss a student from the GATE program for misconduct at school.

At the secondary level, the manner in which GATE instruction is provided changes. The District’s GATE enrichment at the middle and high school level consist primarily of opportunities for advanced coursework that the District states is available to all District students, regardless of whether they are designated as GATE, and of activities that are sponsored by the GATE program but open to all District students such as spelling bees, writing and math contests, poetry slams and other activities. At the middle school level, GATE education is primarily delivered through core curriculum courses required for all students, with GATE coordinators at each school site consulting with core curriculum teachers regarding differentiated instruction. At the middle and high school levels, the District offers GATE students and other interested students the opportunity to participate in accelerated and rigorous coursework. At the high school level, GATE students and other interested students may take AP courses and other college preparatory courses and/or take dual enrollment courses to obtain high school credit as well as college credit from area post-secondary institutions. GATE students and other interested students may take high school prerequisite courses that allow the student to pursue more advanced coursework when they reach high school. These programs are addressed in other sections of this letter.

For all District GATE students in the 2014-15 school year, OCR obtained information regarding the grade they were first identified for GATE enrollment. The greatest percentage of students, nearly 24%, were identified in second grade, following by nearly 19% in first grade, nearly 17% in fourth grade, nearly 13% in prekindergarten or kindergarten, and nearly 10% in third grade. No GATE students were identified in the 11th or 12th grade years. Students first identified in grades five through ten constituted the remainder of the GATE enrollment. During the 2014-15 school year, 22% of all GATE participants were first identified during prekindergarten, kindergarten, and first grade, which is prior to any District-wide screening for GATE eligibility. During the 2014-15 school year, the majority of students (a combined 55.65%) were identified in

the early elementary years of grades kindergarten through second grade, with a small spike in eligibility at fourth grade, and very few students identified during high school year (Figure 3).

Figure 3: Grade First Identified for GATE Enrollment by Race for 2014-15 GATE students								
Grade	Asian	Afr. Am.	Hisp.	Nat. Am.	Multi	Pacific Isl.	White	Overall
PreK-K	16.47% (42)	11.83% (11)	10.94% (29)	6.59% (12)	15.96% (75)	25.00% (1)	12.60% (373)	12.84% (543)
1	27.06% (69)	10.75% (10)	18.49% (49)	15.93% (29)	17.66% (83)	0.00% (0)	18.95% (561)	18.94% (801)
2	16.08% (41)	25.81% (24)	22.64% (60)	28.02% (51)	22.55% (106)	0.00% (0)	24.59% (728)	23.88% (1,010)
3	9.02% (23)	9.68% (9)	10.19% (27)	10.99% (20)	7.66% (36)	25.00% (1)	9.93% (294)	9.69% (410)
4	14.90% (38)	22.58% (21)	17.74% (47)	17.03% (31)	19.57% (92)	0.00% (0)	15.87% (470)	16.52% (699)
5	4.71% (12)	6.45% (6)	8.30% (22)	8.79% (16)	5.74% (27)	0.00% (0)	6.32% (187)	6.38% (270)
6	6.27% (16)	5.38% (5)	4.53% (12)	2.20% (4)	3.40% (16)	0.00% (0)	4.22% (125)	4.21% (178)
7	3.14% (8)	4.30% (4)	2.64% (7)	8.24% (15)	4.89% (23)	25.00% (1)	3.88% (115)	4.09% (173)
8	0.78% (2)	2.15% (2)	1.13% (3)	0.55% (1)	0.43% (2)	0.00% (0)	1.05% (31)	0.97% (41)
9	0.78% (2)	1.08% (1)	1.51% (4)	0.55% (1)	1.06% (5)	25.00% (1)	1.08% (32)	1.09% (46)
10	0.78% (2)	0.00% (0)	1.89% (5)	1.10% (2)	1.06% (5)	0.00% (0)	1.52% (45)	1.39% (59)
Total	100.00% (255)	100.00% (93)	100.00% (265)	100.00% (182)	100.00% (470)	100.00% (4)	100.00% (2,961)	100.00% (4,230)

OCR's review of the District's GATE-eligible student population during the 2014-15 school years indicated that for all racial groups except for the four Pacific Islander students in the program, the vast majority of students qualified for the GATE program as Category 1 GATE students, meaning the students qualified solely based on their high score on a standardized test administered by the District. Two of the four Pacific Islander students qualified for GATE via Category 1, while all other racial groups ranged from 76.34% (African American) to 83.99% (White) qualifying via Category 1.

Figure 4: GATE Eligibility Entrance Category Within Racial Group and Overall, 2014-15			
Race	Category 1 (97%+)	Category 2 (Combined)	Total
White	83.99% (2,487)	16.01% (474)	100.00% (2,961)
African American	76.34% (71)	23.66% (22)	100.00% (93)
Hispanic	79.62% (211)	20.38% (54)	100.00% (265)
Native American	84.07% (153)	15.93% (29)	100.00% (182)
Asian	87.45% (223)	12.55% (32)	100.00% (255)
Pacific Islander	50.00% (2)	50.00% (2)	100.00% (4)
Multi	80.85% (380)	19.15% (90)	100.00% (470)
Overall	83.38% (3,527)	16.62% (703)	100.00% (4,230)

OCR also reviewed the racial percentages of GATE students within each GATE category, Category 1 (solely testing), and Category 2 (including combination of testing and other attributes on the District scale, or students qualifying as talented).⁷

Figure 5: Category 1 (97%+) GATE Eligibility Students by Race, 2014-15	
Race	Percentage
White	70.51% (2,487)
African American	2.01% (71)
Hispanic	5.98% (211)
Native American	4.34% (153)
Asian	6.32% (223)
Pacific Islander	0.06% (2)
Multi	10.77% (380)
Total	100.00% (3,527)

Figure 6: Category 2 (Combined) GATE Eligibility Students by Race, 2014-15	
Race	Percentage
White	67.43% (474)
African American	3.13% (22)
Hispanic	7.68% (54)
Native American	4.13% (29)
Asian	4.55% (32)
Pacific Islander	0.28% (2)
Multi	12.80% (90)
Total	100.00% (703)

⁷ The data provided by the District for the 2014-15 school year did not specify whether Category 2 students qualified via a combination of testing and other attributes or as talented (i.e., “Category 3” as used by the District).

The following table of total GATE enrollment by race provides a comparison for the two tables above (Figure 7).

Figure 7: Total GATE Enrollment by Race, 2014-15		
Race	Number	Percentage
White	2,961	70.00%
African American	93	2.20%
Hispanic	265	6.26%
Native American	182	4.30%
Asian	255	6.03%
Pacific Islander	4	0.09%
Multi	470	11.11%
Total	4,230	100.00%

OCR also examined the extent to which economic factors may have contributed to any racial disparities in the GATE program. Specifically, OCR compared the 2014-15 school year percentages of students in the total student enrollment receiving free or reduced lunch by race with the percentages of students enrolled in GATE receiving free or reduced lunch by race. OCR first compared the numbers and percentages of students by race in the District who qualified for free or reduced lunch during the 2014-15 school year. Those comparisons are reflected in the table below.

Figure 8: Free/Reduced Lunch vs. Full Pay Lunch Status by Race and Overall, (District-Wide, 2014-15)				
Race	# of F/R Lunch Students	# of Full Pay Lunch Students	# of Students in District	% of Students Receiving F/R Lunch
Asian	140	376	516	27.13%
African American	854	239	1,093	78.13%
Hispanic	1,681	558	2,239	75.08%
Native American	497	425	922	53.90%
Multi	1,231	986	2,217	55.53%
Pacific Islander	14	6	20	70.00%
White	4,286	6,317	10,603	40.42%
Overall	8,703	8,907	17,610	49.42%

OCR then sorted the District’s 2014-15 GATE enrollment into free/reduced lunch students and full pay lunch students, and reviewed the numbers and percentages of students by race in each of these categories, as shown in the chart below. The chart’s “All Students” column compares the numbers and percentage breakdowns of non-GATE and GATE students in each racial groups’ total student population. The “Free/Reduced Lunch Students” column compares the numbers and percentages of non-GATE and GATE students in each racial groups’ sub-population of students qualifying for free/reduced lunch. The “Full Pay Lunch Students” column compares the numbers and percentages of non-GATE and GATE students in each racial groups’ sub-population of students not receiving free/reduced lunch. Generally, as the below table

demonstrates, students qualifying for free/reduced lunch are underrepresented in the GATE student population (Figure 9).

Figure 9: GATE Enrollment by Race Broken Down by All Students, Free/Reduced Lunch Students, and Full Pay Lunch Students, (District-Wide, 2014-15)									
	All Students			Free/Reduced Lunch Students			Full Pay Lunch Students		
Race	Not GATE	GATE	GATE %	Not GATE	GATE	GATE %	Not GATE	GATE	GATE %
Asian	261	255	49.42%	92	48	34.29%	169	207	55.05%
African American	1,000	93	8.51%	808	46	5.39%	192	47	19.67%
Hispanic	1,974	265	11.84%	1,557	124	7.38%	417	141	25.27%
Native American	740	182	19.74%	444	53	10.66%	296	129	30.35%
Multi	1,747	470	21.20%	1,089	142	11.54%	658	328	33.27%
Pacific Islander	16	4	20.00%	12	2	14.29%	4	2	33.33%
White	7,642	2,961	27.93%	3,675	611	14.26%	3,967	2,350	37.20%
Overall	13,380	4,230	24.02%	7,677	1,026	11.79%	5,703	3,204	35.97%

The 2014-15 school year data showed 11.79% of students receiving free/reduced lunch qualify for the GATE program versus 35.97% of students that do not receive free/reduced lunch qualify for the GATE program, which suggests that economic status or poverty may be a factor for GATE participation.

To determine whether free/reduced lunch status fully explained the racial disparities in the GATE program, OCR adjusted for economic status by next reviewing only the portion of the District-wide student population who received free/reduced lunch during the 2014-15 school year and considered whether African American, Hispanic, and/or Native American students in this sub-group were also underrepresented to a statistically significant degree in the population of GATE students receiving free/reduced lunch. Of this subset, as reflected in the chart below, African American, Hispanic, and Native American students were still significantly underrepresented as compared to White students in the free/reduced population of GATE students. OCR reviewed the subset of the District's population not receiving free/reduced lunch in this manner, calculating for statistical significance. The results for the 2014-15 school year were the same, specifically, that African American, Hispanic, and Native American students not receiving free/reduced lunch were also underrepresented in the GATE population to a statistically significant degree when compared with their White peers who did not receive free/reduced lunch, indicating economic status likely does not fully account for the underrepresentation of these students in the program (Figure 10).

Figure 10: GATE Statistical Significance Results With Free/Reduced Lunch Breakdown (District-Wide, 2014-15)			
Program/Level	African American vs. White	Hispanic vs. White	Native American vs. White
GATE (All Students)	✓	✓	✓
GATE (Free/Reduced Lunch Students)	✓	✓	✓
GATE (Full Pay Lunch Students)	✓	✓	✓

 = Statistically Significant (p-value < 0.05)
 = Not Statistically Significant

A survey of District staff members, including GRCs, guidance counselors, teachers, and administrators, indicated varying levels of awareness of the GATE program and selection process. Roughly 78% of the survey respondents indicated the District had provided them with information regarding the GATE selection criteria. When asked about potential barriers for African American, Hispanic, and Native American students to access the GATE program, some teachers identified socioeconomic factors outside of the District’s control. Others expressed concern about the need for a more diverse teaching staff within the District and the need for more training of teachers to recognize potential giftedness in all students.

c. GATE Participation Rates

For the overall student population during the 2014-15 school year, African American, Hispanic, and Native American students were underrepresented in the GATE program compared to White students to a statistically significant degree (Chi-Square / Yates). More specifically, African American, Hispanic, and Native American students enrolled in the GATE program were underrepresented in the District’s elementary, middle school, and high school levels, as well as when considering overall enrollment in the District’s GATE program compared to the White students who were enrolled in the program.

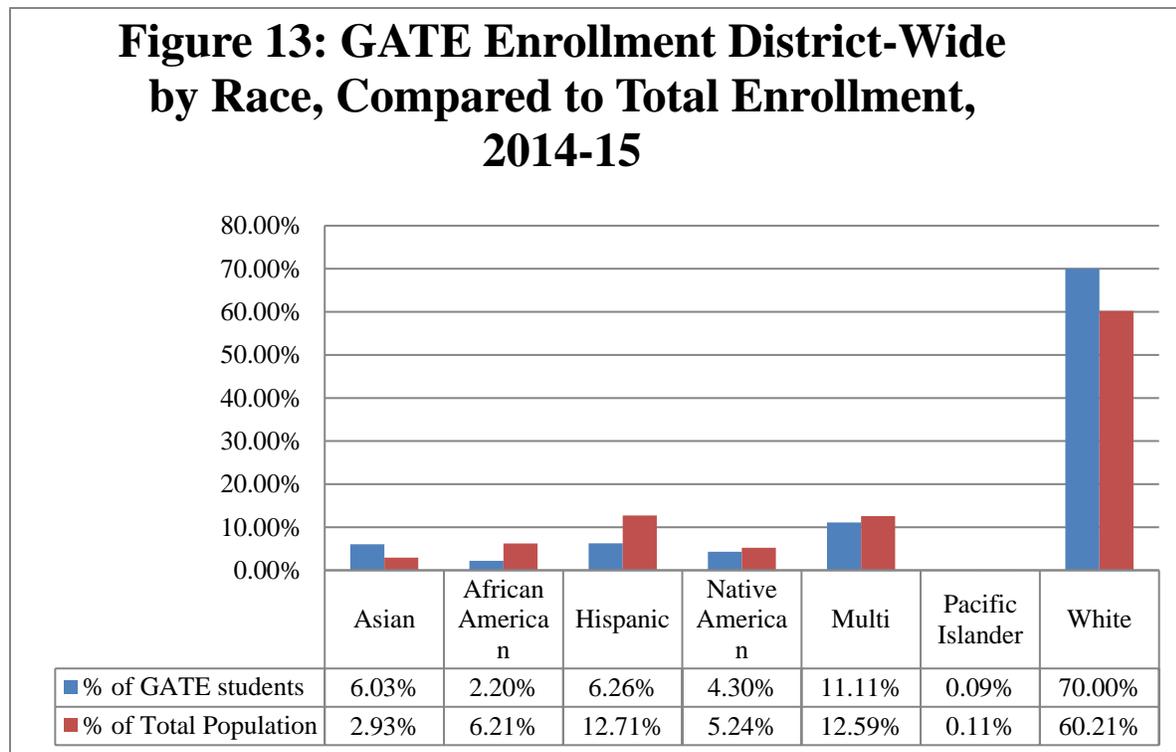
The District reported that 4,230 students participated in the District’s K-12 GATE program for the 2014-15 school year. The District classifies grades kindergarten through fifth grade as elementary level, sixth through eighth grades as middle school level, and ninth through twelfth as high school level. The number and percentage of GATE students by level is represented in the chart below:

Figure 11: GATE Enrollment as Percentage of Total Enrollment at District, Elementary, Middle, and High School Levels, 2014-15			
Level	# of GATE Students	# of Students	% of GATE Students
District-Wide	4,230	17,610	24.02%
Elementary	1,808	8,525	21.21%
Middle School	1,163	3,867	30.07%
High School	1,259	5,218	24.13%

OCR then analyzed the District’s 2014-15 GATE total student population by racial group (Figure 12). The largest racial group was White students, comprising 70.00% of the total GATE student population. The second largest racial group was Multi-racial with 11.11%, followed by Hispanic at 6.26%, Asian at 6.03%, Native American at 4.30%, African American at 2.20%, and Pacific Islander at 0.09%.

Figure 12: Total GATE Enrollment by Race, 2014-15		
Race	Number	Percentage
White	2,961	70.00%
African American	93	2.20%
Hispanic	265	6.26%
Native American	182	4.30%
Asian	255	6.03%
Pacific Islander	4	0.09%
Multi	470	11.11%
Total	4,230	100.00%

OCR compared the racial demographics of the 2014-15 total student population with the 2014-15 total GATE student population to assess whether African American, Hispanic, and/or Native American students were underrepresented in the GATE population compared to their numbers in the overall student population (Figure 13).⁸



⁸ Multi-racial students, and Pacific Islander students were also underrepresented but are not a focus of this compliance review.

To show the disparity in another form, OCR calculated the percentage of students within each identified racial group (African American, Hispanic, and Native American) in the District’s total student population who were categorized as GATE eligible for the 2014-15 school year. For example, as shown in the table below, 93 of 1,093 (8.51%) African American students in the District were enrolled in the GATE program. For Hispanic students, 265 of 2,239 (11.84%) were enrolled in the GATE program. For Native American students, 182 of 922 (19.74%) were in the GATE program. For White students, 2,961 of 10,603 (27.93%) were enrolled in the GATE program. While Asian students were not the comparator group identified by OCR, it is important to note that nearly 50% of all Asian students in the District qualified for the GATE program.

Figure 14: GATE Enrollment District-Wide by Race as Percentage of Total District Students by Race, 2014-15

Race	# of GATE Students	# of Students in District	% of Students by Race Enrolled in GATE
Asian	255	516	49.42%
African American	93	1,093	8.51%
Hispanic	265	2,239	11.84%
Native American	182	922	19.74%
Multi	470	2,217	21.20%
Pacific Islander	4	20	20.00%
White	2,961	10,603	27.93%
Total	4,230	17,610	24.02%

OCR determined that the underrepresentation of African American, Hispanic, and Native American students in the District’s GATE program was statistically significant during the 2014-15 school year. The analysis involved a comparison of the total number of students in the District for each target racial group (African American, Native American, and Hispanic), and each group’s GATE enrollment totals, against the same data for White students. OCR then checked the statistical significance of any underrepresentation in accordance with Department standards. When OCR used this information to calculate the statistical significance of the underrepresentation of African American, Hispanic, and Native American students in the total GATE student population, OCR determined that the underrepresentation of each of these groups was statistically significant with a resulting “p-value” of less than 0.0001.

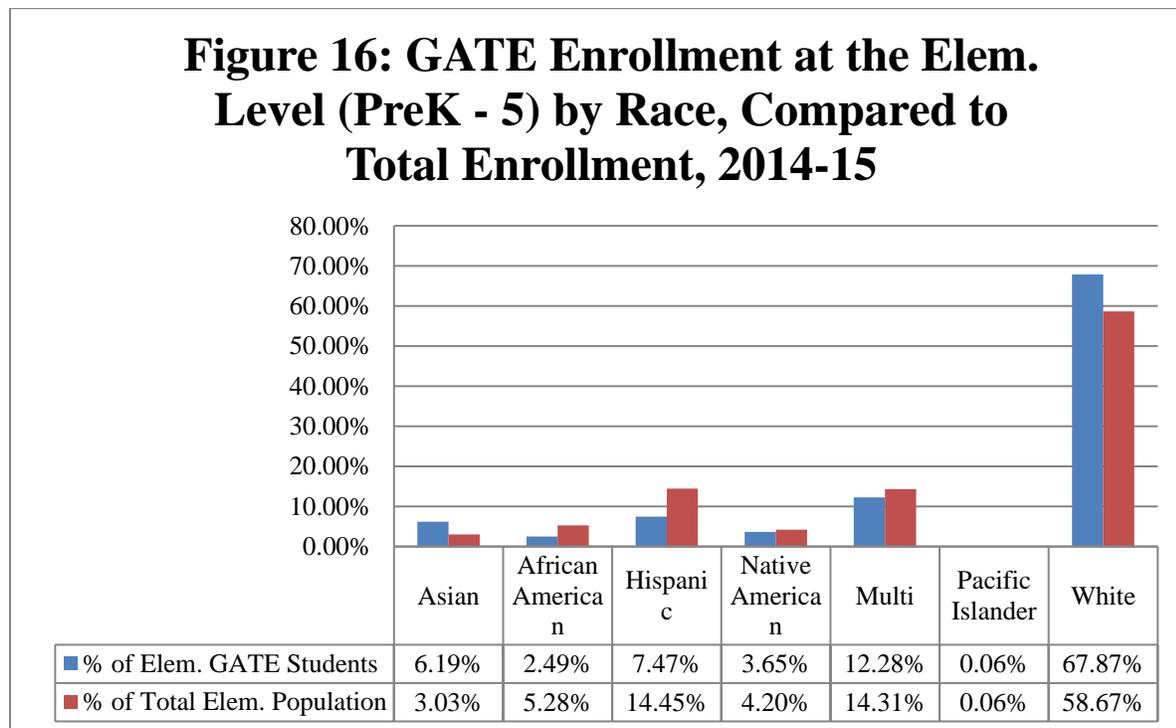
Figure 15: GATE Statistical Significance Results (District-Wide, 2014-15)

Program/Level	African American vs. White	Hispanic vs. White	Native American vs. White
GATE	 p-value < 0.0001	 p-value < 0.0001	 p-value < 0.0001

 = Statistically Significant (p-value < 0.05)
 = Not Statistically Significant

District-wide student enrollment in the GATE program for the 2014-15 school year showed African American, Hispanic, and Native American students were underrepresented in the GATE program when compared to the number of White students participating in the program to a statistically significant degree (Figure 15).

In addition to analyzing the underrepresentation of minority students at the District-wide level, OCR also looked more closely at the elementary level of the GATE program because the program is most active and relevant in the District for students in grades K-5, and because students may receive early advantages by being identified (or not identified) early for GATE programs. Based on 2014-15 enrollment data, African American, Hispanic, and Native American students were underrepresented in the GATE programs at the elementary level, and White and Asian students are overrepresented, as shown in the chart below (Figure 16).



To show the disparity in another form, OCR calculated the percentage of students within each identified racial group (African American, Hispanic, and Native American) in the District’s total elementary student population who were categorized as GATE eligible for the 2014-15 school year (Figure 17).

Figure 17: GATE Enrollment at the Elementary Level by Race as Percentage of Total Elementary Students by Race, 2014-15			
Race	# of GATE Students	# of Elementary Students in District	% of Students by Race Enrolled in GATE
Asian	112	258	43.41%
African American	45	450	10.00%
Hispanic	135	1,232	10.96%
Native American	66	358	18.44%
Multi	222	1,220	18.20%
Pacific Islander	1	5	20.00%
White	1,227	5,002	24.53%
Total	1,808	8,525	21.21%

OCR calculated the statistical significance (Figure 18) of the underrepresentation of African American, Hispanic, and Native American GATE students at the elementary level and at each individual elementary school site and determined the discrepancies constituted statistically significant underrepresentation of these racial groups in the overall elementary GATE population; although, these groups were not necessarily underrepresented at each individual school site.

Figure 18: GATE Statistical Significance Results (Elementary)			
Program	African American vs. White	Hispanic vs. White	Native American vs. White
GATE	 p-value < 0.0001	 p-value < 0.0001	 p-value = 0.0111

 = Statistically Significant (p-value < 0.05)

 = Not Statistically Significant

d. GATE Staff Training and Credentials

The Oklahoma State Department of Education (OSDE) is legislatively mandated to administer the state's gifted and talented education program. In administering the Oklahoma Gifted and Talented Education Act, the OSDE is responsible for making recommendations to the State Board of Education concerning qualifications of teachers for gifted and talented children and making recommendations for degree programs and short course seminars for the preparation of teaching personnel for gifted and talented children.⁹ Gifted educational program coordinators and teachers participate in in-service training or college training designed to educate and assist them in the area of gifted education. On May 24, 2012, the Oklahoma State Board of Education approved Standards and Competencies for gifted education, as well as the Oklahoma Gifted

⁹ See <http://sde.ok.gov/sde/gifted-and-talented-education#cert>

Education Specialist (OGES) Certification.¹⁰ The Oklahoma Gifted Education Standards and Competencies¹¹ include knowledge and skills standards, which include but are not limited to: 1) historical foundations of gifted and talented education including points of view and contributions of individuals from diverse backgrounds; 2) impact of the dominant culture’s role in shaping schools and the differences in values, languages, and customs between school and home; 3) key issues and trends, including diversity and inclusion, that connect general, special, and gifted and talented education; 4) cognitive and affective characteristics of individuals with gifts and talents, including those from diverse backgrounds, in intellectual, academic, creative, leadership, and artistic domains; 5) influences of diversity factors on individuals with gifts and talents; 6) idiosyncratic learning patterns of individuals with gifts and talents, including those from diverse backgrounds; 7) uses, limitations, and interpretation of multiple assessments in different domains for identifying individuals with exceptional learning needs, including those from diverse backgrounds; 8) use non-biased and equitable approaches for identifying individuals with gifts and talents, including those from diverse backgrounds; and 9) personal and cultural frames of reference that affect one’s teaching of individuals with gifts and talents, including biases about individuals from diverse backgrounds.

While every elementary and middle school has a GRC, as of the 2014-15 school year, not every GRC within the District held a certificate in gifted and talented education.

2. Course Acceleration at the Middle School

The District allows eighth grade students to take four high school courses for high school credit during middle school. The four courses are Spanish, College Prep (CP) Biology I, Algebra I, and Plane Geometry. The District told OCR there are no policies, procedures, or practices governing who is permitted to enroll in honors courses at the middle school level. (While OCR refers to these courses collectively as the “middle school accelerated program,” the District has no such name describing the option to take these courses at the middle school level other than referring to them as “accelerated” classes generally.) The District stated that a small number of middle school students participate in this opportunity based on a decision made by the parent/guardian, teacher, and counselor that the students are ready for the opportunity.

The District’s 2014-15 course catalog descriptions for all high school courses indicate which schools offer each course by including the school logo next to the course description. For the four middle school courses comprising 95% of all high school courses taken at the middle school level during the 2014-15 school year (Spanish, College Prep Biology I, Algebra I, Plane Geometry), the letters “MS” appear next to the course description, but there is no narrative explaining that this means they are offered at the middle school level. The course catalog states generally that off campus enrollment in select courses that result in a specific certificate or advanced college placement will be considered on an individual basis with consideration for space availability and scheduling compatibility.

¹⁰ Id.

¹¹ The Oklahoma Gifted Education Standards and Competencies is available at http://sde.ok.gov/sde/sites/ok.gov.sde/files/GT_StandardsAndCompetencies_FINAL.pdf

The District provided OCR with enrollment information indicating that 947 District middle school students took at least one of these courses during the 2014-15 school year. African American and Hispanic students were underrepresented in this group of students when compared to White students participating in this opportunity. More specifically, at three of the four middle schools, African American middle school students taking accelerated courses were underrepresented compared to White middle school students. The same was true for Hispanic students at two of the four middle schools. Native Americans were not underrepresented to a statistically significant degree when compared to White students at any of the four middle schools. At one middle school, Whittier Middle School, neither African American, Hispanic, nor Native American students were underrepresented to a statistically significant degree compared to White students taking accelerated courses.

OCR also investigated whether the availability of accelerated courses at the middle school level varied by middle school site location, which could create a barrier based on school assignment. OCR determined that students at all middle school sites were taking the four accelerated courses comprising approximately 95% of the accelerated coursework attempted during the 2014-15 school year. The four standard accelerated or honors courses were offered at each middle school site and any eighth grade student wishing to take a high school class other than the four standard courses was provided transportation to the high school.

Within each racial group, OCR also compared the percentages of GATE and non-GATE middle school students taking accelerated courses during the 2014-15 school year. OCR determined the majority of the students in the African American and Hispanic student groups taking accelerated courses during the 2014-15 school year were not enrolled in the GATE program, while the majority of students in the Native American, Asian, and White student groups taking accelerated courses were participants in the District's GATE program.

3. College and Career Readiness Programs for High School Students

a. Advanced Placement (AP) Courses

The District, in accordance with state law, automatically requires all high school students to enroll in the college preparatory/work ready curriculum unless their parents or legal guardians approve, in writing, for the core curriculum alternative. All students, regardless of which curriculum alternative they choose, are eligible to enroll in AP courses, provided that they have taken any prerequisite courses, all of which are listed in the District's course catalog.

All District high school students have an assigned guidance counselor to assist with course enrollment, and the enrollment process begins in eighth grade. The Director of Counseling stated that high school counselors provide information about course enrollment through presentations at middle schools and course fair nights, as well as individual advising sessions. She also stated that counselors are trained on the District's nondiscrimination policies and procedures and also to discuss college and career readiness and encourage enrollment in AP courses. The high school counselors interviewed by OCR stated they advised students to take the most rigorous coursework.

The District offers the same AP courses at each of the two high school campuses. The District's 2014-15 course catalog states that additional weighting is added to the grade point averages of students who take AP courses. The District's course handbook lists the prerequisites for these courses, and counselors and teachers assist with advising students with developing their course schedules. In addition, students and parents also have the opportunity to learn about these courses at school events dedicated to learning more about course registration, and AP courses are promoted to all students via course registration and career nights.

In addition to counseling services, one of the District's two high schools, Norman High School, trains faculty to serve as advisors for students throughout the student's academic career. Each faculty advisor is assigned approximately 20 students to contact and meet with for an advisory session prior to their high school enrollment. There are several times and places offered for these sessions and counselors are available to answer questions the faculty advisor cannot answer. According to documentation provided by the District, faculty advisors are advised to discuss with parents and students that avoiding AP courses to maintain a high grade point average is not advisable because colleges are increasingly inquiring about the rigor of courses taken.

The District does not have an identification committee or any policies, procedures, or practices as to who may enroll in these courses. The District told OCR that the parent determines whether a student will be enrolled in AP courses and the District identified several ways in which it informs students and parents about the opportunities to pursue advanced coursework. The District primarily provides information about AP and accelerated courses in the same manner it does for other courses, namely, through the course catalog, which is available online and in paper form. At Norman North High School, a "Take the Challenge" notice is sent to all students and their parents/guardians in January and February of each year to invite them to a meeting to learn more about the AP program. At this meeting, participants receive a pamphlet about AP courses. The District states that Norman High School posts on its website a "Daily Bulletin" which contains information about AP or other accelerated course opportunities at various times throughout the year. Students and their parents/guardians are also informed about the AP courses and program by letter when a student's PSAT/NMSQT¹² scores suggest the student may be ready for advanced coursework. The PSAT/NMSQT tests are automatically given to 9th grade students and 10th and 11th grade students upon request. Additionally, each high school has an AP parent/student meeting providing information to students taking their first AP course. The District also shares information about its AP program during "transition meetings," in which all parents/guardians of eighth grade students are invited to learn more about the transition to high school.

There are no fees to enroll in AP courses offered by the District. According to the District's course catalog, there are fees assessed by the outside entity that administers the AP end-of-course exams, but low-income students are able to qualify for assistance with paying the exam fees. The College Board sets the exam fees and the OSDE may then adjust those fees based on funding available to offset costs for students. The District does not maintain documentation of student requests for assistance with payment for these exams and does not track the individual

¹² Preliminary SAT/National Merit Scholarship Qualifying Test

amounts of assistance provided to each student, although it does maintain a fund at each high school for the acceptance of payments for these exams.

Based on information submitted by the District, at the direction of the District’s Superintendent, the District formed a committee in 2006 to “create a culture of equity and access to AP courses for all students.” The committee included District administrators, principals, and classroom teachers who were tasked with identifying and eliminating roadblocks to AP success. The committee had five specific goals: 1) increase teacher preparation to teach AP courses; 2) increase vertical team use of AP strategies; 3) increase student enrollment in AP courses; 4) increase number of AP tests taken each year; and 5) increase enrollment of minority and low-income students in AP courses.

Despite these efforts by the District, at the high school level for the 2014-15 school year, the disparities persisted for African American and Hispanic students but not for Native American students. The analysis at each of the two high schools yielded the same results: African American and Hispanic students were underrepresented but Native American students were not.

In a District survey of staff members by OCR, some District staff members identified several possible barriers to African American, Hispanic, and Native American students enrolling in AP or other advanced coursework, including the need for additional staff training to dispel cultural stereotypes, need for more diverse faculty and staff, and socioeconomic factors.

b. College Preparatory Courses

While the District informed OCR that its primary means of offering advanced coursework at the high school level is through its AP program, the District also designates some courses as “College Prep.” According to the District’s 2015-16 course catalog, the District offered five such courses: 1) College Prep English I; 2) College Prep English II; 3) College Prep Biology; 4) College Prep Chemistry; and 5) College Prep World History. OCR reviewed the course catalog descriptions for these courses, including any prerequisites required to enroll in them. In some of the course descriptions, both college prep and non-college prep course descriptions indicated that they were designed to prepare the student for college level work. According to the 2015-16 course catalog, for the AP courses requiring any of these courses as prerequisites, both the non-college prep and college prep versions were acceptable.

The District did not provide enrollment data regarding students enrolled in college prep and non-college prep versions of these courses by race. It did not identify these courses as “accelerated” or “advanced” courses in its initial data response to OCR. The District stated that College Prep versions of these courses are more rigorous and, as an example, stated that College Prep English I required a higher reading level of literature and more writing assignments. The District’s Assistant Superintendent for Education Services stated students may be accepted into college without taking the college prep courses, but the District believes the college prep courses better prepare their students for higher education.

c. AEGIS Program:

AEGIS is a selective academic program available at the high school level during students' junior and senior years. The program is a two-year commitment. The AEGIS English program, which focuses on creative writing, is offered at both District high schools. The AEGIS math program is offered only at Norman High School; however, students from both high schools may apply to the program, and all Norman North High School students are transported to Norman High School for the course.

The District provided copies of promotional flyers circulated by the AEGIS English teacher at Norman North High School, and a copy of information regarding upcoming auditions and requirements for the program that was read during school-wide intercom announcements at Norman High School. The District did not provide similar information regarding how the AEGIS math program was promoted to students.

For the AEGIS English program, students must "audition" and the process is slightly different at each high school. Both audition processes use a combination of some of the following factors: student writing samples (both prepared and prompted), student grades and standardized test scores (specific to English and overall), and teacher recommendations.

Students must complete an application for the AEGIS math program, answering three questions about the student and why he or she would be a good candidate for enrollment in the course. The students' weighted and unweighted grade point averages are considered, as well as the students' test scores on the composite and math/quantitative components of several standardized tests and assessments administered by the District. Students must also be currently enrolled in Algebra II or a higher level math course and be a sophomore or younger at the time of application. All of a student applicant's math teachers and one other non-math teacher must submit recommendations on behalf of the student as well.

OCR analyzed the enrollment of all students enrolled in the AEGIS English program at both schools combined with the AEGIS math program to assess whether African American, Hispanic, and/or Native American students were underrepresented in this program to a statistically significant degree because the two AEGIS English and one AEGIS math sections separately would have yielded very small sample sizes not appropriate for statistical analysis. OCR determined that for the 2014-15 school year, African American students were underrepresented in the AEGIS program to a statistically significant degree when compared to White students' participation in the program. Hispanic and Native American students were not underrepresented to a statistically significant degree when compared to White students.

In OCR's survey of 151 relevant District staff members, none responded that they believed African American, Hispanic, and/or Native American students lacked equal opportunity to participate in the AEGIS program. Staff members indicated they share information about this program in a variety of ways, including at course fairs and in one-on-one advising sessions with parents and students.

The District stated in its response to OCR that if a student applied to the AEGIS program and was not selected, and wished to appeal the non-selection, the student could contact the site principal.

d. AVID Program

AVID is a program developed outside of the District with the goal to “close the achievement gap by preparing all students for college readiness and success in a global society.” The District began implementing this program in 2013-14 school year with ninth grade students who do not pay any costs associated with the program. The District describes the participating students as having the potential for advanced courses in high school but in need of academic and emotional support paired with the rigor. The program places academically average students in advanced classes and provides them with an elective class that prepares them to succeed in rigorous curricula, enter mainstream activities in school, and increase their opportunities to enroll in four-year colleges.

The District provided information indicating that candidates for the program are “students in the academic middle, capable of completing a college preparatory path with support.” The following additional criteria are described as part of the identification process: 1) state standardized test scores; 2) student grades; 3) citizenship; 4) attendance; 5) desire and determination; 6) first in family to attend college; 7) historically underrepresented in four-year colleges; 8) economically disadvantaged; and 9) other special circumstances. A District flyer promoting the program indicated that while all of these criteria are considered for acceptance into the program, no single criteria would necessarily eliminate a student from consideration. The flyer also states: “The AVID program should reflect the demographics of the school it is serving.” The flyer also notes that students participating in special education, gifted and talented programs, and English language learner (ELL) programs will be considered for the AVID program based on the criteria established and that “there are a number of students from these groups successfully participating in the AVID program.”

The District has AVID Site Committees organized at each high school to review student applications for its AVID initiative. Because the 2013-14 school year was the first year of the program at the District, all students who applied were permitted to enroll. For the initial year of the program in the District, the District recruited students for the AVID classes by reviewing the District’s records management system for records of eighth and ninth grade students who had a 2.0 to 3.5 grade point average. The District contacted the parents/guardians of these students by letter and invited them to a public meeting on the new AVID initiative. The District provided application forms to the parents/guardians who attended the meeting and all interested students later enrolled. If a student had a scheduling conflict but still wanted to take an AVID class, a counselor assisted the student with his/her schedule to accommodate the class. According to the District’s July 2014 data response, at the start of the 2013-14 school year, the District identified additional students for the AVID program through teachers and counselors, or by parents who contacted teachers, counselors, or AVID site coordinators. These additional students identified at the start of the 2013-14 school year did not complete a formal application or interview process but were instead added by counselors at the students’ request.

The District stated that it has set up an informational booth for the AVID program at a “Parent Connection” gathering held annually with the United Way to provide students and their parents/guardians an opportunity to learn about various programs at the District and also information from the United Way about teen substance abuse and other student issues. District counselors also provide information about available courses including the AVID program during one-to-one counseling sessions. The District stated students also may receive a paper copy of the course catalog. In OCR’s survey of relevant District staff members, some respondents indicated that either they had personally shared information about the AVID program with students or that the information was provided in another manner at their site.

OCR found that African American, Hispanic, and Native American students were not underrepresented in the AVID program to a statistically significant degree for the 2014-15 school year. This was true for African American and Hispanic students who were enrolled in AVID at a higher percentage than they were in the general student population, as well as higher than they were in the population of students taking AP courses in the District during the 2014-15 school year, but not for Native American students that enrolled in AVID at lower percentages. However, none of the discrepancies were found to be statistically significant.

e. Dual Enrollment Programs with Area Post-Secondary Institutions

The District has no formal “partnership program” with any post-secondary institution to provide dual enrollment. Therefore, the District does not have a staff person designated to coordinate such a program. However, the District acknowledges that students are allowed to seek out such opportunities.

The District stated that it intentionally does not partner with a single institution because students are interested in a wide variety of programs available at different institutions. The District states the Oklahoma State Regents for High Education and the Oklahoma State Board of Education are responsible for establishing concurrent enrollment requirements and taking action to ensure the availability of concurrent enrollment opportunities for high school students at institutions of higher education, citing Oklahoma statute.¹³

More practically, the District stated that a student who is interested in pursuing concurrent enrollment at an Oklahoma institution of higher education may contact his or her school site counselor for assistance, including help with identifying admissions criteria and application and enrollment forms. The District’s course catalog also includes a brief section with general information about admissions standards for the University of Oklahoma as well as other colleges and universities in the state.

The District generally stated that the process for a student participating in a concurrent enrollment program with an Oklahoma post-secondary institution is initiated by the student. The District states that it “has no criteria related to referring/nominating, testing/evaluating, and selecting/assigning students for concurrent enrollment at any college or university.” The District does not test or evaluate students for such enrollment, nor does it offer any sequencing or tracking of students into such programs. The District instead is primarily involved in three ways:

¹³ See Okla. Stat. Tit. 70, § 628.13.

1) the site counselor providing assistance to the student in the enrollment process; 2) ensuring the student submits required documentation of his or her participation in the program; and 3) notifying students of circumstances that could interfere with their graduation from high school or eligibility for school sports.

Courses taken concurrently in college will appear on the student's high school transcript and may be counted for credit toward high school graduation requirements. The student must submit an official college transcript to the high school registrar. The District states that grades from dual enrollment courses will be used in the calculation of the grade point average and class rank. The student is responsible for all fees assessed by the higher education institutions for enrolling in the courses. The District does not provide transportation to and from the campuses where these courses are offered.

For the 2014-15 school year, there were 162 students participating in dual enrollment programs with a post-secondary institution. According to the 2014-15 documentation provided by the District, District students enrolled in courses offered by three area post-secondary institutions: 1) the University of Oklahoma; 2) Oklahoma City Community College; and 3) Rose State College. OCR determined that African American and Hispanic students were underrepresented in the dual enrollment student population to a statistically significant degree when compared with the participation of White students in dual enrollment options. However, this was not the case with Native Americans, who were not underrepresented to a statistically significant degree in the dual enrollment student population.

f. Norman Net

Norman Net is an online District program designed to facilitate delivery of personalized educational programming to students who are interested in or have a need for nontraditional, flexible delivery of curriculum. Norman Net courses are open to students of the District in grades 9 through 12. By special request, an advanced middle school student may enroll in a Norman Net course if that student is working towards early graduation. For both part-time and full-time online students, grades earned in Norman Net courses are included on the student's high school transcript. Students also have to take all state-mandated end-of-course tests for applicable courses.

Generally, there is no nomination, referral, testing, or evaluation process for students to participate in the Norman Net program. The District's procedures require a student to obtain the approval of his or her high school principal or designee before enrolling in the Norman Net program. The procedure identifies the following criteria for consideration for whether a student should be allowed to enroll: age and/or grade classification; student work habits; administrative/counselor recommendations; course sequence and offerings; extenuating circumstances provided by the student; and pertinent information provided to the principal from teaching staff. The student and parent/guardian must sign an acknowledgment form indicating they have received the Norman Net student handbook¹⁴ prior to the beginning of instruction. Students enrolled in Norman Net complete courses at their own pace, but in most cases, the courses must be completed by the end of the semester in which the student is enrolled.

¹⁴ OCR reviewed the 2012-13 and 2013-14 versions of the Norman Net student handbook.

The District’s Norman Net courses cannot replace “College Prep” courses on a student’s transcript, i.e., that Norman Net courses are not counted as “College Prep” courses, and Norman Net courses cannot replace an already passed course on a transcript. The District’s Norman Net handbook acknowledgement form notifies parents and students of these restrictions and of the deadlines for timely completion of courses.

The District stated in its response that it provides funding for online courses for up to five hours per student without incurring tuition charges. However, the District also provided a copy of a “Pay Flow Chart” used by counselors to determine any student costs for Norman Net enrollment. Generally, enrollment is always free for homebound and suspended students. Students who are in credit recovery and previously received a failing or incomplete grade in the course may re-take the course without charge. For students who are seeking original credit through Norman Net and taking a course to graduate on time, there is no charge for economically disadvantaged (free and reduced lunch) students;¹⁵ other students must pay for the courses. If a student does not need to take a course via Norman Net to graduate on time, the District always requires the student to pay for the courses.

For the 2014-15 school year, OCR found that African American and Native American students comprised higher percentages, respectively, of the students participating in the Norman Net program than in the general high school student population.

g. Moore Norman Technology Center (MNTC)

The Moore Norman Technology Center is a public technology center serving five high schools in the communities of Norman, Moore, and South Oklahoma City. The District stated it does not have a “partnership” program with MNTC, but rather, a collaboration through which the District and MNTC “work together on projects designed to provide Norman School District students with opportunities to prepare for careers and college while still in high school.” The District stated that the MNTC controls the application and enrollment process of District students; however, the District shared MNTC forms and information while stating it was not responding on behalf of MNTC. The District’s Director of Secondary Education is the designated contact person for MNTC matters but is not a program coordinator and is not involved with the day-to-day activities of MNTC involving the District. The District stated that an MNTC employee acts as a liaison to the District and works with the District to promote MNTC among high school students and District staff. The MNTC employee also helps coordinate events and schedule student interviews for MNTC program enrollment.

The District stated that it has no committee to identify students who may be interested in MNTC opportunities because “enrollment at MNTC is based on student interest and application.” Interested students may contact either their high school’s counseling staff members or other District staff members, who can provide the student or parent/guardian with contact information for a MNTC “tech rep.” The tech reps are MNTC employees and have regular office hours at area high schools. The tech reps set up student interviews to get them enrolled in their preferred

¹⁵ Two courses, Oklahoma History and Personal Financial Literacy, are not listed as free for economically disadvantaged students who wish to take them via Norman Net.

program. The District stated that there is no referral or identification process, but that students and/or parents/guardians are solely responsible for initiating the MNTC enrollment process.

The District provides a variety of opportunities for students and their parents/guardians to learn about MNTC opportunities. The District offers information about MNTC during District-sponsored tours of the MNTC campus, at course fairs hosted by the District, and a Career Awareness Night at the MNTC campus. The District provides communication to students about these events in advance.

The MNTC course opportunities appeared in the District's 2014-15 course catalog broadly grouped under health, technical, and business and information technology. They were also available in the MNTC Interview Book provided by the District.

MNTC courses are free to high school students who attend District schools. MNTC charges some fees for supplies or students may need to provide transportation to off-site locations for some MNTC courses, but the District states that MNTC offers students the opportunity to apply to have their supply expenses paid by an outside organization.

Students are able to earn college credit through some MNTC courses, with particular courses eligible for credit through one of three local colleges, Oklahoma City Community College, Oklahoma State University-Oklahoma City campus, and Rose State College, which are collectively named the "Cooperative Alliance" in the MNTC application. Students must meet a college's admission requirements to receive credit for the courses, which include: 1) high school junior or senior enrolled at MNTC; 2) at least 16 years of age; 3) minimum 19 ACT score or 2.5 high school grade point average; 4) signed statement of understanding from a parent/guardian; 5) written letter of support from an MNTC counselor; and 6) timely submit required college forms and documents by set dates. High school students are charged \$8 per credit hour; however, the MNTC application states "high school students who cannot afford the fees may be eligible to have the fees waived."

MNTC and the District collaborate to produce a "Career and College Prep Handbook" for MNTC students that identifies important tasks and timelines for the college preparation process throughout high school. OCR reviewed the 2012-13 school year handbook, which included recommended activities and timelines for freshmen, sophomores, juniors, and seniors, test taking tips for the American College Testing program (ACT) and Scholastic Achievement Test (SAT), and recommendations for when to take these tests. The career and college prep handbook also provided information about financial assistance to pay for college, including information about completing and submitting the FAFSA form for federal assistance, information regarding a state financial assistance program, military options, NCAA athletic scholarship requirements, and tribal scholarship options. The handbook also included a list of suggested questions to ask college financial aid counselors about available aid and information about the District's AP and dual enrollment opportunities as possible means of earning college credit.

Project Lead the Way (PLTW)¹⁶ is a nationally-recognized program offering curriculum for elementary and secondary schools for science, technology, engineering and mathematics

¹⁶ PLTW is a non-profit organization. More information is available at: <https://www.pltw.org/>.

(STEM) education. The MNTC offers pre-engineering courses for student in the eleventh and twelfth grades through PLTW at the MNTC campus, but MNTC staff members also teach pre-engineering courses for qualified student in the ninth and tenth grades at the District’s two high schools. There are only 15 spaces available for each PLTW pre-engineering course offered through MNTC. Students apply for enrollment in these courses while in eighth grade, and students who complete the prerequisites for each course are enrolled on a first come, first served basis until all of the seats are filled in each course. If any MNTC course is full, the student is placed on a waiting list and will be enrolled when a seat becomes available. The District states that the MNTC, not the District, makes the decisions regarding which students are enrolled in any MNTC course.

In addition to the high school level PLTW courses taught by MNTC staff members, the District offers PLTW “Gateway” curriculum at the middle school level “to pave the way for continued study in the pre-engineering courses at the high school level which are provided with assistance from MNTC.” While the MNTC does not offer any middle school PLTW courses, MNTC staff members make presentations to eighth grade students near the end of their middle school career regarding the MNTC pre-engineering program to generate interest in enrollment when these students enter high school. Many of the students who enroll in PLTW pre-engineering courses in high school were enrolled in PLTW Gateway courses at the middle school level.

For the 2014-15 school year, OCR determined that African American and Hispanic students were underrepresented in the MNTC program to a statistically significant degree. Native American students were not underrepresented in the overall MNTC program to a statistically significant degree. OCR found reviewing data about the overall District MNTC student population to be less helpful because some programs offered by MNTC, such as automotive repair, are not considered college preparatory in nature and are not the focus of OCR’s investigation. OCR does not have enrollment numbers by race for each MNTC program.

4. District’s Proactive Education Efforts for Native American Students

The District offers a federally funded Indian Education Program to provide academic support to Native American students. Typically, the program serves approximately 1,800 students from 78 tribal nations. Funding for the program comes from two federal sources: 1) the Title VII program through the Office of Indian Education within the Department; and 2) a program through the U. S. Department of the Interior, Bureau of Indian Education as part of the Johnson-O’Malley Act (JOM). The Title VII program has existed in the District since 1974, and the JOM program was initiated in the District around 1991. The District’s stated goal is to enroll all eligible students in both programs.

Students enrolled in the Indian Education Program receive the following support services: tutoring, college admissions and AP testing scholarships, career counseling, cap and gown scholarships, assistance with school supplies and other school-related expenses and opportunities to participate in cultural activities.

There is no formal referral system or committee to identify students for participation in the program. However, the District’s Indian Education Program Coordinator described her efforts to

enroll as many eligible students as possible in the program. The Program Coordinator stated that one of her responsibilities is to work to get more Native American students enrolled in AP classes and other more academically rigorous coursework.

The District distributes a brochure describing the benefits of the program to parents. It contains information regarding eligibility requirements and contact information for key District staff members. The District's website also includes a web page devoted to the program with links to information about the program benefits, the Title VII application, and "Indian Education Parent Committee" handbook. The handbook includes information about the program goals, eligibility requirements, staff contact information, and regularly scheduled Indian education parent committee meeting information.

The Program Coordinator stated that students participating in the program received information regarding the GATE and AP programs as all other students did. She did not believe that Native American students encountered any barriers regarding access to the GATE program, but she felt that the District could do more to fund AP support and access for Native American students. However, the Program Coordinator stated that starting in 2006, the District administration invited her to promote AP education to Native American students and supported her getting involved in AP and college board conferences, and ultimately, joining the Native American student advocacy initiative, which she described as a national college board focused on getting more Native American students to take AP courses. She stated that participation by Native American students has grown since that time so that not only were students taking the AP courses, but were also applying to take the AP tests. She stated that Native tribes helped offset the cost to students for taking these tests.

OCR notes that while Native American students continue to be underrepresented in some programs, such as the GATE program, to a statistically significant degree, Native Americans are not underrepresented to a statistically significant degree in middle school accelerated courses, AEGIS, AVID, the dual enrollment program or MNTC.

5. Grievance and Appeal Process

During the investigation, the District informed OCR that students and/or parents may file a grievance alleging race, color, or national origin discrimination arising from the GATE or other college and career readiness courses and programs pursuant to District Regulation *5005-1 Student Responsibilities and Rights* (grievance procedure),¹⁷ which is accessible at the District's website, the area education service center, and at all school sites. The District's discrimination grievance form is also available in these same locations. The grievance procedure includes requirements for how and where to file complaints, establishes time frames and requires written determinations of decisions at all levels of investigation and appeal, and describes investigative and due process procedures, as well as potential penalties for misconduct including suspension and/or termination of staff members. The grievance procedure also identifies the grievance contact person as the Assistant Superintendent and provides contact information for this individual. The District stated that this grievance procedure is applicable to all the programs identified for this compliance review with the exception that any complaints against MNTC or

¹⁷ For purposes of this investigation, OCR reviewed the regulation that was in effect on December 15, 2015.

post-secondary employees involved in the dual credit courses would be directed toward those respective institutions unless the complaint somehow implicated a District employee, in which case the District's grievance procedure is applicable. The grievance procedure is included in the annual Student/Parent Policy Guide, which is provided to students and parents upon enrollment and which is also available on the District's website. OCR reviewed the 2012-13 and 2013-14 versions of this Guide during this review.

The District stated that it was not aware of any grievances filed during the 2014-15 or 2015-16 school years alleging discrimination based on race, color, or national origin related to the programs, which were the subject of this review.

Information provided by staff showed varying levels of familiarity with and an understanding of the application of the District's grievance procedure to the GATE and other college and career readiness courses and programs. While the District's grievance procedure identifies, in general, the District's investigative process and includes reasonable timeframes for completion of the process, many staff did not know if the grievance procedure was applicable to situations such as when a student or parent alleged a student's race limited his or her access to a course or program or when race was alleged a factor in the District's ineligibility determination.

The District's GATE, Norman Net, and AEGIS programs also have processes in place whereby a parent or student may request a reconsideration of eligibility or admittance to a program. These procedures would be applicable to situations not involving allegations of race, color, or national origin discrimination. The District-wide GATE Plan reviewed by OCR included a process to appeal a GATE eligibility determination; however, information provided by staff showed varying levels of familiarity with the process and few could recall a parent or student formally appealing a GATE site committee eligibility determination.

V. Resolution Agreement

Prior to OCR's conclusion of this investigation, the District indicated its interest in voluntarily resolving this investigation by agreement. The District indicated it is interested in continuing its efforts to provide all students with equal access to an equal opportunity to participate in high-level learning courses and college and career ready programs. In particular, the District has undertaken significant efforts to improve the educational opportunities for Native Americans and its Indian Education Program offers important enrichment opportunities for these students.

The resolution agreement designates the District's GATE/AP Director as its Equity Coordinator. The Equity Coordinator will prepare a Review, Assessment and Recommendations Report (Report), which summarizes her review and assessment of factors potentially affecting the enrollment of African American, Hispanic, and Native American students in GATE and college and career readiness programs, and any other activities and action steps she recommends to increase participation opportunities in the District's GATE and college and career readiness programs for African American, Hispanic, and Native American students. The Report will include or identify all supporting documentation relied upon by the Equity Coordinator, demonstrating the review and assessment of each of the factors described in the agreement. The District will consider the Equity Coordinator's recommendations in the Report, and prepare an

Action Plan, with OCR’s review and approval, for improving the participation of African American, Hispanic, and Native American students in GATE and college and career readiness programs and courses. The Action Plan will identify the various steps, activities, and action items the District proposes to take and the timeframes for initiation and/or completion of the major steps identified in the plan. The Action Plan will also identify the methods and timeframes by which the District will assess the effectiveness of the Action Plan’s implementation. OCR will monitor the District’s implementation of the agreement. Please consult the agreement for further details.

This letter and the enclosed agreement address only the issues investigated as part of this compliance review and should not be construed to address any other issues. This letter is a fact-specific disposition of this review; it 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 records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR’s appreciates the courtesy and cooperation shown by District administrators and staff throughout this compliance review. OCR appreciated the collaborative nature of the relationship between OCR and the District throughout the investigation and resolution of this compliance review. OCR recognizes the District’s professionalism and strong commitment to all students within the District. We look forward to working with the District as it implements the provisions of the Agreement. If you have any questions about this letter, please contact XXXXX XXXXX, Attorney, by telephone at (816) 268-XXXX, or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Kelli Douglas
Supervisory Attorney

Enclosure