

Voluntary Resolution Agreement
Norman Public Schools
OCR Docket No. 07-14-5001

The Norman Public Schools, Norman, Oklahoma (District), submits this Voluntary Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve this compliance review initiated under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance. The review addressed whether African American, Hispanic, and Native American students are provided equal access to and an equal opportunity to participate in the District's gifted and talented education program and other advanced/ accelerated and college and career readiness courses and programs offered within the District. The District entered into this Agreement with OCR to ensure its compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d et seq., as amended, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, national origin and color by recipients of Federal financial assistance from the Department. By entering into this Agreement, the District does not admit, and specifically denies, any wrongdoing or violation of any law, statute, regulation or policy. The District agrees to implement the action steps set forth in this Agreement.

Definitions

GATE -The District's gifted and/or talented education program based on Oklahoma State Department of Education criteria.

College and Career Readiness (CCR) – The following courses and programs: Advanced Placement (AP), Pre-Advanced Placement (Pre-AP), the Academic Excellence, Guidance, Industry, Scholarship (AEGIS) coursework, concurrent enrollment, middle school advanced coursework, and Moore Norman Technology Center (MNTC) advanced coursework.

Content Area – Courses in Math, English/Language Arts, Science, Social Studies.

Foundation Courses – Courses in Content Areas that serve as the foundation for later enrollment in CCR courses.

I. PROVISION OF OCR DATA¹

By October 20, 2017, OCR will share the following information with the District for use in the District's compliance with this Agreement:

¹ The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern the use of personal information submitted to all federal agencies and their individual components, including OCR. Any OCR data released to the District will be provided consistent with the FOIA and Privacy Act.

1. Tables and charts prepared by OCR reflecting its analysis of 2014-15 school year student enrollment and rates of participation in the District programs that are the subject of this compliance review, including the general statistical methods used.
2. Summaries of the information gathered in the OCR survey conducted of District staff members, including counselors, teachers, and administrators who serve on site level GATE advisory committees, regarding their knowledge of the District's programs that are the focus of this compliance review.

II. EQUITY COORDINATOR

The District has identified its current Director of Gifted and Talented Education as the Equity Coordinator for purposes of this Agreement.² The Equity Coordinator shall be responsible for making recommendations, based on her assessment of the factors and activities detailed in Items III and IV of this Agreement, as to what measures the District will employ as part of its ongoing efforts to provide all students with equal access to and an equal opportunity to participate in the programs, which were the subject of this compliance review. The Equity Coordinator will examine and make recommendations to increase the enrollment of African American, Hispanic, and Native American students in the GATE and other advanced/accelerated and college and career readiness courses and programs as described in this Agreement.

REPORTING REQUIREMENT:

1. By November 10, 2017, the District will submit to OCR a copy of the Equity Coordinator's curriculum vitae or resume or other summary of the individual's qualifications and experience.

III. REVIEW AND ASSESSMENT BY DISTRICT

The Equity Coordinator will continue to review and analyze the participation rates of African American, Hispanic, and Native American students in the District's GATE and CCR programs from the 2015-16 and 2016-17 school years to assess any barriers to increased participation opportunities³ for these students. The Equity Coordinator will specifically review the following

² This Agreement designates a specific District staff member to serve as the Equity Coordinator. If, for any reason, the currently designated individual is no longer able to perform these duties due to separation of employment or other reasons prior to OCR's determination that the District has completely fulfilled the terms of this Agreement, the District will designate a replacement Equity Coordinator and notify OCR within 30 days of its designation of the new Equity Coordinator. The District must provide an assurance to OCR that the identified individual has expertise in reviewing, evaluating, and improving the participation opportunities for African American, Hispanic, and Native American students in the District's GATE and CCR programs, and upon OCR's request, will make available the newly designated Equity Coordinator's curriculum vitae, resume, certifications, and other training in this area.

³ When determining whether the District has met its obligations to improve "participation opportunities" or "enrollment opportunities" wherever these terms are used in this Agreement, the District-provided enrollment data

factors to identify whether these factors facilitate or prevent participation in the District's GATE and CCR programs by African American, Hispanic, and Native American students:

1. Transportation to and from the location(s) where GATE and CCR programs are offered;
2. Provision of foundation courses at the elementary and middle school levels to prepare students for more rigorous courses later in their education;
3. Any District or school enrollment, registration, eligibility criteria, or other policies and procedures related to enrollment and participation in GATE and CCR⁴;
4. Impact of the representation or participation of African American, Hispanic, and Native Americans serving as instructional staff members, counseling staff members, GATE and CCR staff members, and principals, in the referral, identification, and selection of students for GATE and CCR;
5. Impact of the representation or participation of African American, Hispanic, and Native American parents serving on District-wide or site GATE committees;
6. Distribution of funding designated for GATE and CCR and the impact of any school site funding discrepancies on students' access to GATE and CCR;
7. Professional development in the form of ongoing GATE testing training, GATE curriculum and instructional training, and state GATE conferences to ensure the District staff members' understanding of:
 - A. cognitive and affective characteristics of individuals with gifts and talents, including those from diverse backgrounds, in intellectual, academic, creative, leadership, and artistic domains;
 - B. influences of diversity factors on individuals with gifts and talents;
 - C. idiosyncratic learning patterns of individuals with gifts and talents, including those from diverse backgrounds; and

and increased participation rates of African American, Hispanic, and Native American students in the specific GATE and CCR programs will be one of the factors considered by OCR.

⁴ As part of this review, the District will consider whether to revise and/or expand its eligibility, selection criteria, and procedures for the GATE or CCP courses and programs in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate. The District will also ensure that if it retains any criteria or procedures currently used for identification/selection, it will specifically consider whether a modest modification of such criteria would result in an increase of students that would be considered for participation and an increase in participation opportunities for African American, Hispanic, and Native American students.

- D. the importance, particularly for elementary level staff responsible for identification and referral of students to the GATE program, of unbiased and equitable approaches for identifying individuals with gifts and talents, including those from diverse backgrounds and personal and cultural frames of reference that affect one's teaching of such individuals;
8. Site and District level advertisement of GATE and CCR programs;
 9. Affective support at school site to students regarding the potential negative impact of peer pressure as a reason students elect not to pursue GATE and/or CCR programs, as part of the District's board-approved GATE Plan;
 10. Effective communication of the criteria for eligibility or participation in GATE and/or CCR programs in the District and school policies, procedures, or handbooks;
 11. District and site level information for early awareness on the part of parents, guardians, and students of the relationship between the elementary/middle school curriculum and the high school curriculum for college and career readiness;
 12. Utilization of the Advancement Via Individual Determination Program (AVID) and other appropriate support services for students enrolled or preparing to enroll in CCR programs;
 13. District and site level meetings for interested parents/guardians and age appropriate meetings for interested students in grades 1 through 12 to:
 - A. share information about GATE and CCR programs, as well as available diploma options regarding enrollment in Oklahoma Promise;
 - B. identify any perceived barriers to increased enrollment in CCR programs; and
 - C. solicit recommendations for increasing enrollment opportunities for African American, Hispanic, and Native American students in GATE and CCR programs; and
 14. Collaboration and consultation with other similar public school districts concerning effective methods for increasing opportunities for African American, Hispanic, and Native American student enrollment in GATE and/or CCR programs;

REPORTING REQUIREMENTS:

1. By November 10, 2017, the Equity Coordinator will prepare a Review, Assessment and Recommendations Report (Report), which summarizes the Equity Coordinator's review and assessment of the factors in Item III and any other activities and action steps the Equity Coordinator recommends to increase participation opportunities in the District's GATE and CCR 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 Item III above. This may include, but is not limited to, a copy of any reports or analyses of the information 2015-16 and 2016-17 school years data gathered by the District; any trend data; any identified barriers to student enrollment in GATE and CCR programs, a detailed description of the effectiveness of District and site level efforts to encourage participation and to consider preparation of students beginning at the elementary school level; the information shared as a result of any meeting(s) held pursuant to Item III.13, and a list of school districts or other organizations consulted by the District, including notes of such consultations and any other related data collected pursuant to Item III. The Report will include recommendations for measures the District could take to further facilitate its efforts to provide African American, Hispanic, and Native American students with equal access to and an equal opportunity to participate in GATE and CCR courses and programs.

2. By November 10, 2017, the District will provide a copy of the Report and all supporting documentation to OCR for review and approval.

IV. DISTRICT CONCURRENT ACTIVITIES

In addition to the current review and assessment in progress as described in Item III, the District will also complete the following actions by March 15, 2018, as part of its efforts to increase participation opportunities in the District's GATE and CCR programs for African American, Hispanic, and Native American students:

1. Review the District's plan to provide students enrolled at Dimensions Academy (all levels) with GATE and CCR, to ensure that Dimensions Academy students are receiving equal access to GATE and CCR provided at other District sites, have the same opportunity to be identified for and receive GATE and CCR program instruction as students at other District sites, and are receiving information about available GATE and CCR opportunities, and opportunities for academic counseling.
2. Create a written practice for guidance counselors to use the role of standardized test scores, prerequisite courses, parent approval, and teacher recommendations in student enrollment in GATE and CCR programs.
3. Create a written plan for communication and outreach (GATE/CCR Outreach Plan) to students and parents/guardians about GATE and CCR programs.
4. Review GATE and CCR program staff assignments at individual school sites to assess whether the distribution of resources requires any modifications. When conducting this review and assessment, the District will consider multiple factors including, but not limited to:

- A. student enrollment by race of each site;
 - B. student enrollment by eligibility for free or reduced-price lunch of each site;
 - C. total student enrollment at each site;
 - D. total GATE student enrollment at each site; and
 - E. total student enrollment of each CCR program at each site.
5. Develop and administer a voluntary survey to parents, student, and relevant staff members in grades 6 through 8 (Middle School Survey) and grades 9 through 11 (High School Survey) to provide the opportunity to submit information about their perceptions and understanding with regard to the recruitment, selection, and/or participation of students in GATE and/or CCR programs.

REPORTING REQUIREMENTS:

1. By March 30, 2018, the District will provide to OCR written assurance from the Equity Coordinator confirming that GATE/CCR continues to be properly implemented at Dimensions Academy described in Item IV.1.
2. By March 30, 2018, the District will provide to OCR all supporting documentation demonstrating the completion of the action item identified in Item IV.2., including, but not limited to, a copy of the written practice for guidance counselors, the name(s) and title(s) of individuals who participated in developing the written practice, documentation demonstrating the distribution of the written practice to District guidance counselors and/or other relevant staff members, and any training sessions or professional development provided to staff members regarding the written practice.
3. By March 30, 2018, the District will provide to OCR all supporting documentation demonstrating the completion of the action item identified in Item IV.3., including, but not limited to, a copy of the GATE/CCR Outreach Plan, the name(s) and title(s) of individuals who participated in developing the GATE/CCR Outreach Plan, documentation demonstrating the distribution of the written practice to District staff members, students, parents/guardians, and other community stakeholders, any training sessions or professional development provided to staff members regarding the GATE/CCR Outreach Plan, and any documentation reflecting communication to parents/guardians/community stakeholders regarding the GATE/CCR program pursuant to the GATE/CCR Outreach Plan.
4. By March 30, 2018, the District will provide to OCR all supporting documentation demonstrating the completion of the action items identified in Item IV.4., including documentation identifying the name(s) and title(s) of individuals who conducted the

review of the District's distribution of staff assignments and resources for the GATE and CCR programs across District schools, a description of the steps taken to review the distribution, a description of any substantive⁵ adjustments or changes made as a result of the review, and an explanation and any supporting documentation for the changes.

5. By March 30, 2018, the District will provide to OCR copies of the Middle School Survey and High School Survey and identify the name(s) and title(s) of individuals who developed the survey identified in Item IV.5. The District will provide an explanation of how the District distributed and collected the survey and documentation of any efforts to encourage participation in the survey. The District will also provide to OCR a summary of the responses to each survey, question by question.

V. REVIEW OF REPORT AND DEVELOPMENT OF ACTION PLAN

The District will review the Equity Coordinator's Report and draft a plan to increase participation opportunities in the District's GATE and CCR programs for African American, Hispanic, and Native American students (Action Plan). If the District rejects and/or modifies any of the Equity Coordinator's Report recommendations, the District will provide to OCR a reasonably comprehensive written explanation for the rejection or substantive modification of the recommendation. The District will develop an Action Plan to 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.

REPORTING REQUIREMENTS:

1. By April 15, 2018, the District will submit the Action Plan with supporting documentation as well as the written explanation for any rejection or modification of the Equity Coordinator's recommendations to OCR for review and approval.
2. By May 15, 2018, OCR will provide to the District its written comments and suggested revisions to the Action Plan, if any.
3. By June 15, 2018, subject to OCR's concurrence with the District's Action Plan, the District will implement the agreed to Action Plan beginning with the 2018-19 school year.

⁵ Throughout this Agreement, a "substantive modification" will mean a significant change, or expansion, or contraction of the nature and scope of the item modified.

VI. IMPLEMENTATION AND EVALUATION OF DISTRICT ACTION PLAN

For the 2018-19 and the 2019-20 school years, the Equity Coordinator will continue to monitor and assess the effectiveness of the District's efforts to increase participation opportunities in the District's GATE and CCR programs for African American, Hispanic, and Native American students. As part of this ongoing monitoring, the District will provide to OCR for review and approval, Annual Assessment Reports assessing the effectiveness of its Action Plan by July 31, 2019, and July 31, 2020. The District may submit substantive modifications of the Action Plan to OCR for review and approval at any time. The District will provide supporting documentation to OCR providing support for its assertion that the modifications will further support the goal of increasing participation opportunities for African American, Hispanic, and Native American students in GATE and CCR programs. The Annual Assessment Reports will include the following information:

1. Confirmation of the completion of any activities or action steps targeted for completion in the just completed assessment period and identification of any substantive changes or proposals the District recommends to the Action Plan for the subsequent assessment period or school year.
2. Student participation reports completed using an Excel spreadsheet for the recently concluded school year. Each student participation report will include the following data for all District students:
 - A. Student identifier;
 - B. Race;
 - C. School attended;
 - D. Current grade (as of the reporting year);
 - E. GATE status (yes or no);
 - F. Calendar year when first identified for GATE;
 - G. Whether enrolled in at least one AP course during school year;
 - H. Whether enrolled in at least one Pre-AP course;
 - I. Whether enrolled in AEGIS program;
 - J. Whether enrolled in at least one concurrent enrollment course;
 - K. Whether enrolled in the middle school advanced course(s);
 - L. Whether enrolled in MNTC advanced coursework;
 - M. Whether enrolled in the AVID program; and
 - N. Whether the student graduated in the relevant school year.
3. Any other information the District deems relevant to its implementation of the Action Plan or to its efforts to increase participation opportunities for African American, Hispanic, or Native American students in GATE and CCR programs.

OCR anticipates providing the District with feedback regarding the District's student participation reports as identified in Item VI.2. within 60 calendar days of receipt.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulations identified above. Upon completion of the obligations under this Agreement, OCR shall close this compliance review.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Dr. Nick Migliorino, Superintendent
Norman Public Schools

Date