

Resolution Agreement

Sacramento City Unified School District
09-14-1190

The U.S. Department of Education, Office for Civil Rights (OCR) conducted an investigation of a complaint pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulation at 34 C.F.R. Part 100. Without admitting or conceding any violation of Federal law with respect to the issues raised in this complaint, the District agrees to implement the provisions in this Agreement.

- I. GATE Cluster Program at Lubin Elementary School
 - A. The District has informed OCR that, during the 2014-15 school year and thereafter, the School will implement a "GATE cluster" model for assigning students to classrooms at the school. Pursuant to this model, all classes in grades 2 – 6 will include GATE program students and/or students with comparable achievement scores. The District will implement this strategy in a manner that ensures that Students in all classes have an equal opportunity to access GATE and GATE-equivalent instruction.
 - B. Prior to assigning any students to split-grade classes during the 2014-15 school year, the School will review the proposed enrollment of such classes to ensure that its assignment practices do not deny equal educational opportunity to any student based on race or ethnicity.
 - C. By October 15, 2014, the District will provide OCR with a report describing the School's implementation of its model, including:
 1. A description of the criteria for placing students who are GATE identified, and those who are not GATE identified, in classes.
 2. The classroom rosters for all grades at the School, including the race/ethnicity of each student, their most recent standardized testing information, and an indication if the student is GATE identified.
 3. A schedule of professional development activities for teachers at the School during the 2014-15 school year to support high quality, differentiated instruction, including GATE certification activities.
 4. The steps taken or scheduled to provide outreach to parents describing the GATE cluster model at the School.

II. Equal Opportunity to Participate in the District GATE Program

A. The District will examine the following data for the 2012-13 and 2013-14 school years, disaggregated by school, grade level, and race/ethnicity:

1. The number of first grade students who
 - i. Were given the NNAT2;
 - ii. Received further consideration for gifted and talented education (GATE) eligibility based on NNAT2 scores;
 - iii. Were identified as GATE eligible.
2. The number of third grade students who
 - i. Were considered based on academic performance
 - ii. Received further consideration for gifted and talented education (GATE) eligibility and were given the CogAT Screener;
 - iii. Were identified as GATE eligible.
3. The number of students at other grade levels who were referred for consideration for GATE eligibility, and the number identified as GATE eligible.

B. By October 15, 2014, the District will provide OCR with a report of the review under II.A.

C. Based on the results of the review, the District will develop and implement a plan for ensuring that all students are provided with equal access to the District's GATE's program, with a focus on providing equal opportunity to participate for all groups of students who are currently underrepresented in enrollment. The plan will include:

1. Revision, as necessary, of the District's GATE eligibility criteria and/or GATE student identification process;
2. Assessment of any potential barriers to increased student participation in the District's GATE program relating to communication and outreach to students and parents/guardians about the GATE program.
3. Measurable goals for identification of all students for the GATE program which will enable the District to evaluate whether any revised eligibility criteria and outreach and recruitment processes are successful in increasing access to the District's GATE program.

D. By May 1, 2015, the District will submit to OCR a description of any revised criteria and outreach and recruitment processes and goals for review and approval. OCR will provide any feedback to the District within 30 days.

E. The District will implement any revisions to its eligibility criteria and changes in its recruitment and outreach processes for the 2015-16 school year.

F. By June 30, 2016, the District will provide OCR with a report describing the District's implementation of any new criteria and/or recruitment and outreach processes, including a breakdown by race/ethnicity of students found eligible for GATE programs in the District during the 2015-16 school year. The report will include a discussion of whether these results met the District's goals for increasing access for all students to the GATE program, and include a description of plans for further revision of eligibility criteria and/or recruitment practices, as needed. OCR will provide any feedback on this report within 30 days.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI of the Civil Rights Act of 1964, which was at issue in this complaint.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may request from the District additional reports or data, or the opportunity to interview additional staff, as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with Title VI of the Civil rights Act of 1964.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Sara Noguchi, Ed.D
Interim Superintendent

8/12/2014
Date