



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

August 18, 2014

Dr. Scott S. Brabrand  
Superintendent  
Lynchburg City Schools  
P.O. Box 2497  
Lynchburg, Virginia 24505

Re: OCR Case No. 11-10-5004  
Resolution Letter

Dear Dr. Brabrand:

This letter is to inform you of the resolution of the compliance review conducted by the U.S. Department of Education (the Department), District of Columbia Office for Civil Rights (OCR) that was opened on September 24, 2010. The compliance review assessed whether the Division discriminates against African American students by failing to provide them with the same resources and educational opportunities that it provides to white students to prepare them for postsecondary education and/or careers.

OCR initiated this compliance review under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving financial assistance from the Department. As a recipient of such assistance, the Division is subject to Title VI, and therefore OCR had jurisdiction to conduct this review.

Prior to the conclusion of OCR's investigation, the Division expressed an interest in voluntarily resolving this compliance review and entered into a Resolution Agreement (Agreement), which commits the Division to specific actions to address the issues under review. OCR recognizes that since its initial review, the Division is under the leadership of a new Superintendent and that the Division has developed and begun implementing a new comprehensive plan to improve student achievement and narrow the achievement gap between students of different races. This letter summarizes the applicable legal standards, the information gathered during the review, and how the review was resolved.

### **Applicable Legal Standards**

The applicable standards for determining compliance are set forth in the regulation implementing Title VI, at 34 C.F.R. §100.3(a), (b) (1) and (2). Section 100.3(a) provides that no person shall, on the ground

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of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program operated by a recipient. Section 100.3(b)(1) prohibits a recipient, on the ground of race, color, or national origin, from denying an individual a service or benefit of a program; providing different services or benefits; subjecting an individual to segregation in any matter related to the receipt of a service or benefit; restricting an individual in any way in receiving a service or benefit; treating an individual differently in determining whether the individual satisfies any admission or eligibility requirement for provision of a service or benefit; and, denying an individual an opportunity to participate in a program or affording an opportunity to do so which is different from that afforded to others. Section 100.3(b)(2) prohibits a recipient from utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin.

The administration of student enrollment in courses can result in unlawful discrimination based on race in two ways: first, if students are subject to different treatment based on their race, and second, if a policy is neutral on its face and administered neutrally but has a disproportionate and unjustified effect on students of a particular race.

### **Overview of the Division and Summary of Review**

For the 2013-2014 school year, the Division enrolled a total student population of 8,583, 37% of whom were white and 49% of whom were African American.<sup>1</sup> The Division has two comprehensive high schools (Heritage High School and E.C. Glass High School) as well as three middle schools and eleven elementary schools. Students are typically assigned to Division schools based on where they live within the Division's boundaries.

OCR collected information from the Division for the 2008-2009 through 2010-2011 school years about the Division's elementary and middle school level curricula, including programs and courses offered at those levels that could potentially affect enrollment in high school higher level learning opportunities and have an impact on college and career readiness. Also, OCR reviewed information regarding the Division's high school higher level learning opportunities, including advanced courses, Advanced Placement (AP) courses, and Dual Credit (DC) programs (where students enroll in courses at a local community college). In addition, OCR collected and reviewed information about other possible barriers to college and career readiness, including student discipline. OCR interviewed Division faculty, counselors, and administrators and obtained student and parental input concerning the Division's preparation of students for college and careers.

#### *Access to Advanced Courses Prior to High School*

As discussed below, there is a significant disparity between the numbers of African American and white high school students who take AP and advanced courses. When speaking with students about what they considered in determining whether to enroll in these courses, many students informed OCR that they took AP or advanced courses if they took advanced courses in middle school and even in elementary school. Some of the students informed OCR that they were given standardized tests in elementary school to determine if they qualified for certain advanced courses, such as math. In addition, the former Superintendent informed OCR that advanced courses at the middle school are not "open enrollment,"

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<sup>1</sup> [http://www.doe.virginia.gov/statistics\\_reports/enrollment/fall\\_membership/index.shtml](http://www.doe.virginia.gov/statistics_reports/enrollment/fall_membership/index.shtml)

and selection is based on teacher recommendation and test performance. OCR thus gathered additional information regarding access to these courses on the elementary school level and middle school levels.

### *The Division's Gifted Program*

There are eleven elementary schools in the Division, two of which are identifiably African American (Dearington Elementary and Bass Elementary) and one of which is identifiably white (Bedford Hills).<sup>2</sup> The Division offers a gifted program only at the elementary school level. The program is in the form of a separate full-day center, called the Gifted Opportunities (GO) Center, serving 150 students in grades 3-5. The content of each course is based on the Virginia Standards of Learning and supplemental enrichment activities are added to the curriculum. All teachers at the GO Center are endorsed in gifted education. In the 2009-2010 school year, the overall enrollment at the elementary level in the Division was 54.0% African American and 37.0% white. However, enrollment at the GO Center was 12.8% African American and 73.0% white. In the 2010-2011 school year, the overall enrollment at the elementary level in the Division was 51.8% African American and 36.4% white. However, enrollment at the GO Center was 8.3% African American and 77.9% white.

The Division reported that it considers the following factors for eligibility to the GO Center: Naglieri Nonverbal Ability Test scores; Stanford 10 Achievement Test scores; a Checklist of Gifted Characteristics; Achievement Record ratings; and a Standardized Portfolio. Students are chosen by a Division Eligibility Committee. The Division expressly denied that any single criterion is used to determine placement in the gifted program. Selection is based on student scores on the above factors and an allocation of spaces across Division elementary schools.<sup>3</sup>

### *Advanced Classes in the Division's Elementary Schools*

#### *Advanced Math*

Preliminary information provided by the Division indicated disproportion in the representation of African American students in advanced math classes in Division elementary schools. As of the 2010-2011 school year, all but one of the Division's elementary schools (Robert S. Payne Elementary) offered advanced math to students starting in either the second semester of first grade or the first semester of second grade. Schools reported varying criteria for placing students in advanced math and the racial proportionality of enrollment in that course differed greatly from school to school.

Bedford Hills Elementary has some of the more stringent selection standards, particularly with regard to consideration of Standards of Learning (SOL) scores for 4<sup>th</sup> and 5<sup>th</sup> graders.<sup>4</sup> In selecting students for

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<sup>2</sup> OCR considers a school to be "racially identifiable" where the percentage of students of a particular race in that school is more than 20 percentage points higher than the percentage of students of that race in the Division as a whole.

<sup>3</sup> Rising 3<sup>rd</sup> grade applicants' total scores are ranked. The top ten students get in regardless of base school. The remaining positions are allocated to the highest scoring students in each school based on the school's percentage of the school division's second graders. The division selection committee establishes a minimum score for selection; if a school does not have enough qualified students to fill its allocated positions, those positions revert to the next highest scoring students in the division, regardless of base school.

<sup>4</sup> At lower grade levels, where students have not yet taken SOLs, elementary schools generally describe selection to Advanced Math as being based on inventory tests, class performance, a Division Wide Assessment Program, and teacher recommendation.

Math 4A, Bedford Hills reported that students who were in Math 3A are automatically placed in 4A; in addition, students are placed in Math 4A if they scored 500 or above on the 3<sup>rd</sup> grade SOL or if they scored between 480 and 500 and attended a summer program offered by the Division (the PETAL program<sup>5</sup>).<sup>6</sup> The school reported that teacher recommendations also are considered for selection to Math 4A. As reflected below, whereas the total population of the school was approximately 27% African American, there were some grades in which there were no African American students in advanced math.

Bedford Hills Advanced math enrollment	School population	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	5 <sup>th</sup> grade
2010-2011	26.8% African American 65.2% White (500 students)	4.4% African American 86.7% White (45 students)	15.9% African American 72.7% White (44 students)	15.6% African American 77.8% White (45 students)	12.0% African American 82.0% White (50 students)
2009-2010	26.7% African American 67.1% White (490 students)	11.5% African American 78.8% White (52 students)	0.0% African American 92.6% White (27 students)	11.8% African American 84.3% White (51 students)	0.0% African American 92.9% White (28 students)

T.C. Miller Elementary bases placement in Advanced Math on SOL scores lower than the cut-off used by Bedford Hills. T.C. Miller indicated that it places students in Math 4A or 5A based on SOL scores of 450 or above, and that it also considers teacher recommendations, classroom performance, and district-wide six-week assessments. Enrollment in advanced math classes at T.C. Miller was significantly closer to the school’s overall demographics than at Bedford Hills.

T.C. Miller Advanced math enrollment	School population	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	5 <sup>th</sup> grade

<sup>5</sup> The Division started the PETAL (Promoting Excellence Through Accelerated Learning) program about ten years ago “to address the underrepresentation of African Americans and females in the advanced level mathematics course.” At the elementary level, students recommended by their teachers participate in summer academies in either reading or math for approximately 5 weeks. At the middle school level, selected students enroll in 2 periods of math each semester in the 6<sup>th</sup> grade, with the goal of advancing through the curriculum more quickly and being on track to take Algebra I in the 8<sup>th</sup> grade. At the high school level, selected students take both Algebra I and Algebra II in the 9<sup>th</sup> grade, with the goal of reaching Advanced Placement Calculus or Statistics in the 12<sup>th</sup> grade year.

<sup>6</sup> 400 represents the minimum level of acceptable proficiency on Virginia SOLs and 500 represents advanced proficiency. <http://www.doe.virginia.gov/testing/scoring/index.shtml>

2010-2011	54.5% African American 31.8% White (233 students)	42.1% African American 42.1% White (19 students)	50.0% African American 41.7% White (12 students)	61.5% African American 38.5% White (13 students)	50.0% African American 31.3% White (16 students)
2009-2010	56.6% African American 33.3% White (228 students)	33.3% African American 58.3% White (12 students)	60.0% African American 40.0% White (15 students)	52.9% African American 35.3% White (17 students)	66.7% African American 23.8% White (21 students)

Bass Elementary did not include student SOL scores in the list of factors it considers when placing students in advanced math. Bass indicated that students are placed in accelerated math based on Harcourt math inventory assessments, six-week assessments, and “teacher made tests.” Enrollment in advanced math classes at Bass were closer in proportion to the overall school population than at Bedford Hills.

Bass Advanced math enrollment	School population	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	5 <sup>th</sup> grade
2010-2011	76.5% African American 15.1% White (251 students)	100% African American (6 students)	83% African American 16.6% White (12 students)	80% African American 20% White (15 students)	63% African American 27% White (11 students)
2009-2010	75.8% African American 19.3% White (244 students)	Not provided	70% African American 30% White (10 students)	57% African American 35.7% White (14 students)	85% African American 14% White (7 students)

*Accelerated Reading*

Paul Munro Elementary offers accelerated reading classes in grades 3 through 5. Whereas advanced math classes are considered to be above grade level, accelerated reading is characterized as on-grade level instruction. The school reported numerous placement criteria, including six-week assessments, Stanford scores, weekly reading and spelling tests, SOL scores and teacher recommendations. As shown below, African American students were underrepresented in every accelerated reading class at the school.

Paul Munro Accelerated Reading enrollment	School population	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	5 <sup>th</sup> grade
2010-2011	45.8% African American / 47.5% White (358 students)	16.0% African American / 76.0% White (25 students)	24.0% African American / 76.0% White (25 students)	34.8% African American / 56.5% White (23 students)
2009-2010	41.6% African American / 54.1% White (281 students)	11.1% African American / 88.9% White (18 students)	38.1% African American / 57.1% White (21 students)	10.5% African American / 89.5% White (19 students)

Linkhorne Elementary also offers accelerated reading classes for students in grades 1 through 5. Factors for placement are Division Wide Assessment Program scores in language arts, students’ daily work and summative tests, SOL scores, Phonological Awareness and Literacy Screening scores, parent request, and teacher recommendation. As shown below, with one exception, African American students were underrepresented in every accelerated reading class at the school.

Linkhorne Accelerated Reading enrollment	School population	1 <sup>st</sup> grade	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	5 <sup>th</sup> grade
2010-2011	56.9% African American / 34.6% White (457 students)	57.1% African American / 19.0% White (21 students)	33.3% African American / 50.0% White (18 students)	40.0% African American / 46.7% White (15 students)	26.3% African American / 68.4% White (19 students)	55.0% African American / 40.0% White (20 students)
2009-2010	59.4% African American / 33.5% White (525 students)	42.9% African American / 47.6% White (21 students)	45.5% African American / 50.0% White (22 students)	31.8% African American / 54.5% White (22 students)	40.0% African American / 55.0% White (20 students)	43.5% African American / 43.5% White (23 students)

Generally, the underrepresentation of African American students in advanced classes in elementary school carries forward to the middle school level.<sup>7</sup> In 2010-11, enrollment in Math 6A and English 6A, by race, was as follows:

<sup>7</sup> None of the Division middle schools is racially identifiable.

	Linkhorne	Sandusky	Dunbar
School population	42.1% African American 52.5% White (617 students)	53.3% African American 35.8% White (561 students)	62.0% African American 30.2% White (640 students)
Math 6A enrollment	27.1% African American 68.2% White (107 students)	37.7% African American 49.4% White (77 students)	51.0% African American 43.1% White (102 students)
English 6A enrollment	24.8% African American 70.8% White (113 students)	41.8% African American 43.3% White (67 students)	44.0% African American 51.2% White (84 students)

*Bass Elementary Strategies for Increased Participation in Advanced Courses*

As described above, rates of selection for advanced math classes vary greatly across Division elementary schools. Though the school and overall numbers are small, Bass has nearly proportionate enrollment rates in advanced math classes. The former Superintendent identified Bass Elementary as an example of a Division school that has undergone significant improvements in student achievement. The former Superintendent explained that Bass is a high minority, high poverty school with a record of poor achievement, and was being considered for possible closure a number of years ago. He decided instead to implement measures to improve the school. Bass moved to an extended year calendar in the 2004-2005 school year and currently remains on that calendar. The Bass School-Wide Improvement Plan for 2006-2007 noted a disparity between the achievement of minority and non-minority students at the school and implemented various reform strategies to address that disparity. One such strategy was the provision of “remedial intersessions,” one-week periods during which students (determined by test scores and teacher recommendation) attend for a half-day to address areas of weakness in reading and math. Other strategies included ensuring that students received a minimum of two hours of language arts instruction daily; providing funding for additional staff development opportunities in reading, math, and oral communication skills; implementing a bullying curriculum and other measures to limit the number of discipline suspensions; and increasing parental involvement.

Between 2006-2007 and 2010-2011, Bass made significant improvements in SOL pass rates for African American students:

	English Reading 3	Math 3	English Reading 4	Math 4	English Reading 5	Math 5
Bass 2006-2007 African American pass rate	56%	74%	94%	77%	76%	79%
Bass 2010-2011 African American pass rate	83%	100%	100%	100%	89%	81%
Division-wide 2010-2011 African American pass rate	67%	86%	72%	73%	79%	75%
State-wide 2010-2011 African American pass rate	72%	84%	77%	80%	82%	82%

The reading and math SOL pass rates for African American students at Bass exceeded the Division-wide pass rates for African American students and also exceeded the state-wide pass rates for African American students. The 2010-2011 5<sup>th</sup> grade Math pass rate for African American students at Bass was only slightly below the state-wide pass rate.

The 2010-2011 Bass School-Wide Plan reported on-going reform strategies, including five intersessions (one at the end of each 6-week grading period), an accelerated reading program, skill review sessions during recess for identified students, increased hours of math instruction during the year, and professional development for teachers. The Plan noted that all teachers at the school are endorsed in the area of their assignment and 98% are highly qualified. The improvements in student achievement at Bass suggest that it could be a model for similar improvements at other Division elementary schools.

*Advanced, AP and Dual Credit Courses at the Division’s High Schools*

The Division offers three types of advanced learning opportunities at the high school level – Advanced, AP, and Dual Credit (DC) courses.<sup>8</sup> Successful completion of an AP course in addition to a score of three or above on the corresponding College Board AP exam results in credit at most colleges and universities. Successful completion of DC courses can result in college credit. AP and Advanced courses are weighted more heavily in grade point average (GPA) calculations in the Division (e.g., an A in a regular course is worth 4.0 points, whereas an A in an Advanced Placement course is worth 5.0 points and an A in an Advanced course is worth 4.5 points). Thus, students who take Advanced and AP

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<sup>8</sup> With the exception of certain career and technical courses, both high schools offer the same courses.

courses have an opportunity to earn a substantially higher GPA than do students who do not enroll in these higher level courses. Students with higher GPAs generally have greater opportunities to be awarded merit scholarships.

In 2010-2011, the Division offered the following AP courses: Language/Composition, Literature, American History, European History, Calculus AB, Calculus BC, Statistics, Latin (Virgil), Spanish Language 5, French Language 5, German Language 5, Micro Economics, Macro Economics, American Government, Comparative Government, Chemistry, Physics, Biology, Art History, and Portfolio Art.

The Division offered the following advanced high school courses: World Literature & Composition 1, Biology, Algebra 2 with Geometry, World History & Geography 1, World Literature & Composition 2, Geometry with Trigonometry, Chemistry, World History & Geography 2, American & World Literature & Composition, Math Analysis, American History, Physics, English Literature & Composition, U.S. Government, Economics and Personal Finance, French 4, Spanish 4, German 4, Latin Literature, and Studio Art.

The Division offered the following Dual Credit courses: Pre-Calculus/Applied Calculus, College Biology, Building Trades2/Carpentry 1, College Computer Science, Computer Systems Technology 1, Computer Systems Technology 2, Precision Machining 2/Machine Tools 1, Nuclear Technologies, Emergency Medical Technician, Teachers for Tomorrow, and Early Childhood 2.

Enrollment at the Division’s high schools was as follows:

**Division High School Enrollment 2009-2010:**

	African American	White	Total
Heritage	627 (56.1%)	408 (36.5%)	1117
E.C. Glass	715 (47.1%)	756 (49.8%)	1517
<b>TOTALS</b>	<b>1342 (50.9%)</b>	<b>1164 (44.2%)</b>	<b>2634</b>

**Division High School Enrollment 2010-2011:**

	African American	White	Total
Heritage	635 (56.2%)	405 (35.8%)	1130
E.C. Glass	661 (46.8%)	682 (48.3%)	1412
<b>TOTALS</b>	<b>1296 (51.0%)</b>	<b>1087 (42.8%)</b>	<b>2542</b>

The data show disparities between the enrollment of African American and white students in Advanced, AP, and DC courses.

AP Enrollment by Race / Ethnicity		African American	White	Overall
2008-2009	Number Enrolled in AP Course	76	340	452
	Percentage of AP Students	16.8%	75.2%	
2009-2010	Number Enrolled in AP Course	71	369	483
	Percentage of AP Students	14.7%	76.4%	
2010-2011	Number Enrolled in AP Courses	88 <sup>9</sup>	379	511
	Percentage of AP Students	17.2%	74.2%	

Advanced Course Enrollment by Race / Ethnicity		African American	White	Overall
2008-2009	Number Enrolled in Advanced Course	370	768	1224
	Percentage of Advanced Students	30.2%	62.7%	
2009-2010	Number Enrolled in Advanced Course	399	743	1229
	Percentage of Advanced Students	32.5%	60.5%	
2010-2011	Number Enrolled in Advanced Course	470 <sup>10</sup>	739	1276
	Percentage of Advanced Students	36.8%	57.9%	

<sup>9</sup> This count includes students who identified as multi-racial, including part African American. Seventy-six students who identified as single race African American enrolled in AP courses.

<sup>10</sup> 438 students who identified as single race African American enrolled in Advanced courses.

Dual Credit (DC) Enrollment by Race / Ethnicity		African American	White	Overall
2008-2009	Number Enrolled in DC Course	67	131	212
	Percentage of DC Students	31.6%	61.8%	
2009-2010	Number Enrolled in DC Course	57	153	219
	Percentage of DC Students	26.0%	70.0%	
2010-2011	Number Enrolled in DC Course	25 <sup>11</sup>	95	128
	Percentage of DC Students	19.5%	74.2%	

The Division has an open-enrollment policy for AP and advanced courses conditioned solely upon successful completion of any prerequisites; this was reflected in the Division’s written policies and procedures as well as interviews conducted during OCR’s on-site visit. Administrators, students, guidance counselors and teachers interviewed at both high schools and Division-wide administrators informed OCR that, regardless of whether a student had taken an advanced or AP course previously in middle or high school, a high school student could enroll in an Advanced or AP course during a course registration period, per the student or the student’s parent wish. The Division’s High School Program of Studies states with regard to Advanced and AP courses, “[a]ny interested student may enroll in one or more of these courses as long as he or she has successfully completed any prerequisites.” Course prerequisites are published in the Division’s course catalogs.

Guidance and instructional staff at both high schools reported to OCR that if a student shows the ability and motivation to do the work in an advanced or AP level course, they encourage that student to enroll in those level courses. The then-Principal of E.C. Glass explained that he creates the master schedule so that multiple levels of the same subject are offered during the same class period; that way, students can be encouraged to try an advanced or AP course and, if they then choose not to continue, they can move into a less rigorous course without the penalty of disrupting the rest of their schedule. Several students reported to OCR that they tried AP or advanced courses and ultimately decided to drop the courses when they learned about the workload and increased expectations for those courses. The then-Principal of Heritage reported that when he became principal, he instructed the school’s guidance counselors to actively push students toward more rigorous courses; if students were performing well at one course level, guidance counselors were told to ask the students if they would move to the next harder level, whether that was advanced or AP. Guidance counselors at Heritage reported that that was their practice. At both schools, guidance counselors reported that they encourage students who are performing well in regular classes to try an advanced class and students who are performing well in an advanced class to try an AP class; they did not generally encourage students who were doing well in a regular class to transition directly to an AP class. This practice emphasizes the importance of introducing rigor early in a student’s academic career.

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<sup>11</sup> 22 students who identified as single race African American enrolled in DC courses.

Students generally characterized their course selections as their own personal choices rather than the result of encouragement to take more rigorous courses. However, no student indicated that students were discouraged from taking advanced or AP classes. Generally, students expressed that if they had taken advanced or AP classes previously, they continued to take those classes. At Heritage, statements by both African American and white students suggested that there was a stigma associated with not taking AP courses, because those courses were associated with intelligence and achievement after high school. Heritage teachers similarly reported that students are occasionally influenced by their peers to enroll in more challenging classes.

Staff at both high schools reported outreach efforts to inform parents of the availability of AP and advanced classes. Both schools have orientation or transition programs for rising 9<sup>th</sup> grade students and their parents, during which guidance counselors discuss course options, including the levels of courses. Both schools reported hosting a dinner or cookout for parents of rising 9<sup>th</sup> grade students as part of their transition programs and also inviting parents to meet with guidance counselors to discuss student schedules.

*Discipline*

Student discipline, and particularly disciplinary exclusions from the school setting, can serve as a potential barrier to college and career readiness. Therefore, OCR gathered data regarding the discipline of students in the Division. Data from the Division indicate a significant disparity in discipline rates as between white and African American students. In addition to being disproportionately assigned to Division alternative programs/schools, significant disparities also existed at all grade levels for suspensions and other discipline for the 2009-2010 school year.

With the exception of Bass Elementary, all Division elementary schools suspended African American students at disproportionately high rates. These disparities were also reflected in the data reported by the Division in the Civil Rights Data Collection (CRDC) for 2011. That CRDC data showed that African American students were assigned to out-of-school suspension and expelled at a rate of 2.9 times the rate of white students.

As shown below, the following charts analyze CRDC discipline data from the 2009-2010 and 2011-2012 school years.

<b>2009-2010 School Year</b>	<b>African American</b>	<b>White</b>
Total # of suspensions	575	165
Total # of expulsions	20	5
Suspension Rate	12%	5%
Expulsion Rate	0.4%	0.1%
Total # of students from each racial group in the Division for 2011-2012	4,780	3,360

<b>2011-2012 School Year</b>	<b>African American</b>	<b>White</b>
Total # of suspensions	518	153
Total # of expulsions	17	10
Suspension Rate	12%	5%
Expulsion Rate	0.4%	0.3%
Total # of students from each racial group in the Division for 2011-2012	4,346	3,217

### **Resolution Agreement**

Throughout OCR's investigation, the Division expressed its ongoing commitment to provide all students with equal access to and an equal opportunity to achieve college and career readiness. In pursuit of that interest and to resolve this compliance review, the Division signed the attached Resolution Agreement on April 1, 2014, which commits the Division to specific actions to address the issues under review.

Among the actions required by the Agreement, the Division committed to retain the services of a consultant with expertise in addressing the underrepresentation of African American students in the Division's Gifted Opportunities (GO) Program, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses to examine the root causes for such underrepresentation in the Division and to study and make recommendations as to what measures, if any, the Division should take as part of its on-going efforts to provide all students with equal access to and an equal opportunity to participate in GO, elementary and middle school Advanced Courses; and high school Advanced, AP and DC Courses. In addition, the consultant will collaborate with the Division in assessing the Division's disciplinary policies, processes, and practices, including examining whether there are racial disparities in the administration of discipline and, if so, developing a plan to remedy them. In collaboration with the consultant, the Division committed to develop Action Plans for the Elementary, Middle and High School levels to address any barriers and to increase the enrollment of African American students in advanced learning opportunities in the Division. The Division also committed to specific actions regarding parental engagement and student outreach and the fair and appropriate implementation of student discipline.

OCR appreciates the Division's commitments to equity and will monitor the Division's implementation of the provisions in the Agreement to ensure that the commitments made are implemented timely and effectively and that the Division's policies and practices are administered in a non-discriminatory manner. OCR may conduct additional visits and request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Title VI and its implementing regulation with regard to the issues in review. If the Division fails to comply with the terms of the Agreement, OCR will take appropriate action to ensure the Division's full compliance with Title VI and its implementing regulation. OCR notes that the Division has complied with the Agreement's reporting requirements that have come due since the date the Division executed the Agreement.

This concludes OCR's investigation of this compliance review and should not be interpreted to address the Division's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR compliance review. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

It is unlawful to harass, coerce, intimidate or discriminate against any individual who has filed a complaint, assisted in a compliance review, or participated in actions to secure protected rights.

We appreciate the Division's cooperation during the resolution of this compliance review. If you have any questions, feel free to contact, Kay Bhagat at 202-453-6598 or via e-mail at [Kay.Bhagat@ed.gov](mailto:Kay.Bhagat@ed.gov) or Martha Russo at 214-661-9622 or [Martha.Russo@ed.gov](mailto:Martha.Russo@ed.gov).

Sincerely,

/s/

Alice B. Wender  
Director  
District of Columbia Office  
Office for Civil Rights

Enclosure