

MARION COUNTY SCHOOL DISTRICT
Section 302 Resolution Agreement
Complaint #04-10-1291

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Marion County School District (District), pursuant to Title VI. Prior to the completion of OCR's investigation, the District asked to resolve the compliance concern of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Title VI and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Gifted Program Equal Opportunity Review and Action Plan

1. By **July 30, 2013**, the District's Gifted Program Administrators, in the course of its ongoing annual review efforts, shall review each component of the District's Elementary School Gifted Program (Gifted Program) selection process, which review shall include data disaggregated by race reflecting the students referred and admitted to the Gifted Program, to identify components of the selection process that may be resulting in underrepresentation of African American students. This review will examine, among other things, the selection of tests to be administered to specific students; the Educational Planning team's alteration of the matrix by student when evaluating students scoring between 115 and 129 on the intelligence test; and how tested students perform, by race, on various components of the tests used during the selection process.

Reporting Requirement:

1. By **July 30, 2013**, the District shall provide OCR a comprehensive written report regarding the review described in Item 1, above.
2. By **July 30, 2013**, the District's Gifted Program Administrators shall develop, for OCR's review and approval, a Gifted Program Action Plan in effort to increase representation of African American students in the Gifted Program, to the extent that African American students are currently underrepresented. As part of the Action Plan, the District shall:
 - a. Identify District elementary schools at which the enrollment of African American students in the Gifted Program is disproportionately low and determine the cause for the underrepresentation. This determination will be based upon an examination of, among other things, the referrals made at the school by race; the bases for the referrals; and, the information provided to teachers concerning how and when to use checklists for assessing possible indicators of giftedness.

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- b. Develop a District-wide comprehensive Gifted Program Action Plan (Gifted Program Action Plan) to address any such underrepresentation. At a minimum, the Gifted Program Action Plan will include:
- i. A commitment to provide equal opportunities for participation for all students in the Gifted Program, in an effort to ensure that any underrepresentation of African-American students is not the result of discrimination;
 - ii. Use of eligibility criteria for the Gifted Program that are clearly defined, legitimate, educationally-sound, and non-discriminatory on the basis of race. In examining how legitimate and educationally-sound the eligibility criteria are, the District shall assess whether criteria considered are reflective of educational opportunities provided students and eliminate criteria for which students are not provided an opportunity to demonstrate competency. Further, the District will ensure that the criteria are consistent with the District's educational goals and measures skills and abilities that the District has determined are necessary to succeed in the program;
 - iii. Modification of current selection criteria which disproportionately exclude African-American students, unless the District can demonstrate a substantial educational justification for the criteria at issue, and that no less discriminatory alternative exists;
 - iv. Consideration of educational programs to increase African American student achievement and preparedness for gifted opportunities;
 - v. An annual analysis of whether and how modifications made to the Gifted Program selection processes are impacting student success, to inform future modification of program policies, procedures and practices; and,
 - vi. Annual monitoring and evaluation of the District's success in increasing opportunities for African American students in the District's Gifted Program.

Reporting Requirements:

2.
 - a. By **July 30, 2013**, the District shall provide OCR a report including a list of the schools where African-American representation in the schools' Gifted program is disproportionately low, along with the underlying data;
 - b. By **July 30, 2013**, the District shall provide for OCR's review and approval, a copy of the proposed Gifted Program Action Plan described in Item 2, above; the rationale for all selection criteria and other plan components; and documents and data supporting each rationale.

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- c. By **June 30, 2014**, the District shall provide a comprehensive analysis of the effectiveness of the Gifted Program Action Plan in increasing opportunities for African American students in the Gifted Program.
3. By **August 30, 2013**, or within 60 days of OCR's approval of the Gifted Program Action Plan, whichever is later, the District will commence implementation of the Gifted Program Action Plan.

Reporting Requirement:

3. Within 30 days of the District's commencement of the Plan, the District will provide OCR confirmation of commencement.

Parental Engagement

4. By **September 30, 2013**, and annually thereafter, the District shall host an informational meeting for elementary school parents regarding the Gifted Program, which shall include, at a minimum, information regarding how parents may request evaluation of their children for referral to the Gifted Program, the name and contact information for the Gifted Program coordinator at each District elementary school, how Gifted Program students are referred and evaluated for Gifted Program eligibility, and the benefits and curricular components of the Gifted Program.

Reporting Requirement:

4. By **September 30, 2013**, the District will provide documentation to OCR demonstrating that the District has initiated the annual informational meeting pursuant to this Item. The documentation shall include: (1) the date of the informational meeting/s; (2) a description of the presenters' backgrounds and qualifications; (3) a copy of the agenda and training materials disseminated; and (4) a copy of the sign-in sheet signed by parent attendees.

Staff Training

5. By **December 1, 2013**, and thereafter on an annual basis, the District will provide training to all School faculty, Guidance Counselors, and other administrative staff tasked with referring students to the Gifted Program (Applicable Staff), in an effort to ensure uniformity of application of District Gifted Program policies and procedures and to ensure equal opportunities for participation of all students in the Gifted Program. The initial training shall include (1) a review of the racial demographics of the Gifted Program and the participation rates of African-American students by school site, including comparisons to the rates at other schools in the District and the overall District rate; (2) a presentation by a qualified individual regarding the best practices for identifying African-American students for referral to the Gifted Program; (3) instruction regarding how to use the District's Gifted Program checklist to identify potential Gifted Program students; (4) an overview of the Gifted Program Action Plan, including any

revised policies, procedures, and criteria; and, (5) an overview of parent/guardian notification and outreach regarding the Gifted Program.

Reporting Requirement:

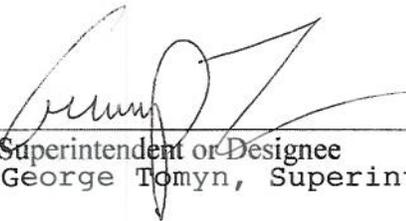
- 5. By **December 30, 2013**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to this Item. The documentation shall include: (1) the date of the training session/s; (2) a list of names and titles of Applicable Staff who participated in the training session; (3) a description of the presenter's background and qualifications; and, (4) a copy of the agenda and training materials disseminated.

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. 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 set forth below.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI at 34 C.F.R. § 100.3, which was at issue in this case.

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.

This Agreement will become effective immediately upon the signature of the District's representative below.



 Superintendent or Designee
 George Tomy, Superintendent

4-1-13

 Date