

Resolution Agreement
School District of South Orange and Maplewood
OCR Docket No. 02-13-5003

The School District of South Orange and Maplewood (the District) enters this Agreement to resolve the proactive compliance review, OCR Docket No. 02-13-5003, conducted by the U.S. Department of Education (Department), Office for Civil Rights (OCR). The review addressed whether African American students are provided equal access to and an equal opportunity to participate in rigorous college and career preparatory courses within the District. The District enters this Agreement 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 regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color and national origin by recipients of Federal financial assistance from the Department. Accordingly, the District agrees to implement the action steps set forth below:

ACTION STEPS

I. CONSULTANT

By November 30, 2014, the District will retain a consultant with expertise in addressing the underrepresentation of African American students in college and career preparatory courses to study and make recommendations as to what measures the District will take as part of its ongoing efforts to provide all students with equal access to and an equal opportunity to participate in:

1. college and career preparatory courses offered by the District, including the District's International Baccalaureate (IB) program at the District's South Orange and Maplewood Middle Schools, Advanced Placement (AP) courses, dual enrollment courses, and high school honors courses¹;
2. foundation courses at the elementary, middle school and high school level, i.e., those courses that are necessary for enrollment in later CCP or specialty courses/programs.

The consultant will examine and make recommendations to address the root cause(s) of any disparity in enrollment of African American students in these programs and courses. The consultant may be an independent contractor for the District or a District employee. The District, after retaining its consultant, shall promptly provide the consultant with all appropriate information the consultant believes is necessary to engage in this process. At a minimum, the consultant will provide recommendations to and assist the District, as requested, with Action Step II below.

¹ Hereafter, the courses and programs listed in 1 will be referred to as "college and career preparatory courses" or "CCP" courses and programs.

Action Step I - Reporting Requirement

1. By November 15, 2014, the District will submit to OCR for review and approval, the name of the consultant to be retained consistent with Action Item 1, including a copy of the consultant's curriculum vitae or resume or other summary of the consultant's qualifications and experience, the consultant's name, and a statement regarding whether the consultant is a District employee or independent contractor.
2. Within 30 days of OCR's approval, the District will submit documentation demonstrating that the consultant has been retained, including the date the consultant was retained and terms of any contract.

II. REVIEW AND ASSESSMENT BY DISTRICT

By February 1, 2015, the District will complete a review and assessment of the District's courses and programs identified in Action Step I.1 above for school years 2011-2012 to 2013-2014. As part of its review and assessment, the District, at a minimum, will:

1. review enrollment data, including trend data (*i.e.*, student enrollment data for each course and program identified in Action Step I.1, for each year, disaggregated by race and grade);
2. review the correlation between enrollment in the identified elementary/middle school courses and programs in Action Step I.1 and later enrollment in CCP high school courses and programs;
3. review the correlation between elementary and middle school performance and subsequent enrollment in CCP high school courses and programs, including the correlation between the courses in which students elect to enroll during high school and their elementary and middle school academic profiles (e.g., grades, previous test scores, other indicators) and any additional support provided for students (such as counseling, peer mentoring groups, or tutoring or rigorous academic preparation) at the elementary and middle school levels to prepare them for CCP courses at the high school level;
4. review and assess any potential barriers to increased student participation in the CCP courses and programs identified in Action Step I.1 relating to:
 - a. the location, number, and subject matter of such course offerings and programs;
 - b. participation (or lack of participation) in such courses and programs;
 - c. transportation to and from the location where the courses and programs are offered;
 - d. the lack of a structured program of course offerings or lack of available foundation courses at the elementary and middle schools (such as eighth

- grade algebra or foreign language courses) to prepare students for more rigorous courses later in their education;
 - e. the role of prerequisite courses, and teacher recommendations in student enrollment in higher level learning opportunities;
 - f. the impact of level placement in the freshman year of high school, on student participation in higher level learning opportunities;
 - g. any District enrollment, registration, or other policies and procedures related to enrollment in such courses or programs;
 - h. teacher qualifications to teach such courses or programs;
 - i. communication and outreach to students and parents/guardians about these courses and programs;
 - j. advertisement of such courses and programs;
 - k. peer pressure;
 - l. early awareness on the part of parents/guardians/students of the relationship between the elementary/middle school curriculum and the high school curriculum for college and career readiness;
 - m. the role of guidance counselor services;
 - n. support services for students enrolled in such courses or programs or preparing to enroll in them;
 - o. identify any other potential barriers to increased student participation in courses or programs identified in Action Step I.1; and
 - p. identify any other potential barriers to increased student participation not listed above.
5. review and assess which methods undertaken by the District, to date, have been effective (or ineffective) for early awareness and in encouraging student participation in the programs and courses identified in Action Step I.1, starting at the elementary school level;
 6. consider ways to increase student readiness for higher level learning opportunities, including, for example, by strengthening the rigor of courses in earlier grades and increasing communication between elementary, middle and high schools to ensure that students are better prepared for higher level learning opportunities in high school;
 7. consider whether the current criteria, method of implementation or system in general relating to the assignment of levels to incoming high school freshman might be eliminated or altered in a way that would increase access to higher level learning opportunities;
 8. host meetings for interested District parents/guardians and age-appropriate meetings for interested first through twelfth grade students to share information about the programs and courses identified in Action Step I.1, identify any perceived barriers to increased enrollment and solicit recommendations for increasing enrollment. The District will ensure that it effectively and widely disseminates notice of the meeting in appropriate language(s) and will hold the

meeting at a time and place that it reasonably believes to be most convenient for parents/guardians and will work with parents/guardians and community leaders to encourage attendance;

9. develop and administer a survey to offer to parents of students in grades 3-7 and students and their parents in grades 8-11, and relevant staff, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection, and/or participation of students in the programs and courses identified in Action Step I.1;
10. schedule a reasonable number of date(s)/time(s) for interviews to offer relevant school administrators, faculty and staff, and parents/guardians and students of the District, the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or participation in the programs and courses identified in Action Step I.1; and
11. consult with other similar, public school districts concerning effective methods for increasing student enrollment in CCP courses.

Action Step II - Reporting Requirement

- By March 15, 2015, the District will submit documentation to OCR showing implementation of the actions required by Action Step II above, including but not limited to a copy of the District's assessment, including any trend data; any identified barriers to student enrollment in such courses or programs; a detailed description of the effectiveness of methods undertaken by the District to encourage participation and to consider preparation of students beginning at the elementary school level; the date(s), location(s), and time(s) of any meeting(s) held pursuant to II.A.8, including a copy of the meeting minutes, participant lists; etc.; a copy of the survey, including the results, a list of the individuals interviewed, by name, title, etc., and a summary of information gathered pursuant to II.A.9; and a list of school districts or other organizations consulted by the District, including notes of such consultations and any related data collected pursuant to II.A.11. In the event OCR has any objections to the documentation provided by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft documents.

III. CONSULTANT RECOMMENDATIONS

- A. By March 31, 2015, in collaboration with the consultant, the District will review the results of the assessment of past enrollment in the courses and programs identified in Action Step I.1 conducted in accordance with Action Step II.A.1-7, as well as the surveys and interviews, and any consultations, conducted in accordance with Action Step II.A.7-11.
- B. By March 31, 2015, the District shall obtain from the consultant a written report outlining the recommendations relating to measures the District could take to further facilitate its

efforts to provide all students with equal access to and an equal opportunity to participate in the courses and programs identified in Action Step I.1.

- C. By April 15, 2015, the District will consider and identify what action it will take with respect to the recommendations made by the consultant, based on Action Step II.A.1-7 above, and to incorporate those recommendations into the action plan it develops. If the District rejects and/or modifies any recommendations made by the consultant(s), the District will provide to OCR a reasonably comprehensive explanation for the rejection or the modification of the recommendation.
- D. By August 30, 2015, and by the same date annually thereafter, the District will submit documents to OCR showing implementation of any further modifications to its programs made pursuant to Action Step II above.

Action Step III - Reporting Requirement

- 1. By April 8, 2015, the District will provide to OCR a copy of the consultant's written report outlining the consultant's recommendations after the completion of the District's review and assessment of past enrollment, interviews, and surveys in conjunction with the Action Steps above; and
- 2. By April 14, 2015, the District will provide to OCR its response to the recommendations made by the consultant and its plan for implementing recommendations made by the consultant. If the District rejects and/or modifies any recommendations made by the consultant, the District will provide to OCR a comprehensive explanation for the rejection or the modification of the recommendation. In the event OCR has any objections to the documentation provided by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft documents.

IV. ELIGIBILITY/SELECTION CRITERIA

- A. By May 1, 2015, after reviewing the recommendations of the consultant, the District will consider whether to revise and/or expand its eligibility and selection criteria for the CCP courses and programs identified in Action Step I.1 in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate. The District also will ensure that:
 - 1. if it retains any criteria currently used for identification/selection, it will specifically consider whether a modest modification of such criteria (such as considering classroom performance) would result in an increase of students that would be considered for participation and an increase in participation by African American students;
 - 2. any District/school personnel responsible for conducting any assessments or evaluations as part of the identification/selection process will receive consistent

- and accurate training in the implementation of any additional, revised or modified criteria; and adequate instruction on how to access information regarding students' eligibility;
3. it provides students at the elementary and middle school levels information and assistance to ensure that such students are well prepared for receiving any assessments or evaluations that remain part of the identification/selection process;
 4. the District's appeal processes for students who apply to but are not selected for enrollment in the District's CCP courses and programs, as applicable, are clearly set forth in the District's application materials, in letters sent to such students informing them that they were not selected, and in the District's policies related to the selection process. The information will fully explain how appeals are handled, including all applicable time frames, necessary documentation to support an appeal, and definitions of all terms related to an appeal (e.g., "special circumstances" that would constitute acceptable grounds for an appeal); and
 5. any revised or expanded criteria adopted by the District will be used to determine eligibility and selection for enrollment in these programs beginning with school year 2015-2016.

Action Step IV - Reporting Requirement

1. By May 15, 2015, the District will provide to OCR the revised or expanded eligibility and selection criteria, incorporating recommendations of the consultant, in order to further facilitate its efforts to provide all students with equal access and an equal opportunity to participate in CCP courses and programs. In the event OCR has any objections to the documentation provided by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft documents.
2. By August 30, 2015, and by the same date annually thereafter, if any further changes are made, the District will provide OCR with documentation that the revised or expanded criteria were disseminated. After the District's adoption of the revised or expanded criteria, if any, the District will update any relevant printed publications and on-line publications with the revised or expanded criteria within a prompt and reasonable timeframe. Inserts may be used in printed publications until re-printing. Thereafter, the District will disseminate the revised or expanded criteria to all relevant students, their parents/guardians, administrators, teachers and staff of the District within a prompt and reasonable timeframe, and will use the revised or expanded criteria to determine eligibility and selection for enrollment in CCP courses and programs, beginning with school year 2015-2016.

V. PARENT/GUARDIAN AND STUDENT OUTREACH

- A. By April 14, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current outreach plan for the parents/guardians of elementary, middle, and high school students regarding its CCP courses. If not already being done as part of its outreach plan, the District will ensure that the outreach conducted at each elementary, middle, and high school sites includes at a minimum:
1. a description of the benefits and opportunities available to students in its CCP courses and programs, and any applicable changes made at the elementary and middle school level District-wide to prepare students for success in such programs;
 2. information regarding the identification/selection process for the aforementioned courses/programs, including information about the importance of taking foundation courses in the elementary and middle school years to prepare students for enrollment in later courses and programs;
 3. information regarding the identification/selection criteria (such as test scores) for the District's CCP courses and programs;
 4. providing messages from building principals to all parents and/or students, regarding the availability of, and benefits of, higher level learning opportunities at the high school level, and the value of higher level learning opportunities;
 5. notifying students who have achieved certain test scores on standardized tests, or grades in earlier courses in similar subjects, or who have been identified using tools offered by the College Board, that they should strongly consider participating in AP or other higher level learning courses; and
 6. the name(s) and contact information for the committee or coordinators for the District's CCP courses and program at the parent/guardian's respective school site and at the District's main administrative office;
 7. information regarding how to appeal decisions made regarding the identification and selection of students for such programs and courses.
- B. The District will also consider outreach to community organizations, including those that are in regular contact with the parents/guardians of African American students regarding the opportunities and benefits of these programs and courses, as well as the importance of the foundation courses in elementary and middle school.
- C. By April 15, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current outreach plan for students. If not already being done as part of its targeted outreach plan, at a minimum, the outreach

activities should include peer presentations on a voluntary basis by available and interested African American students enrolled in such courses and programs regarding their experiences in such courses and programs. The District may consider and implement other actions not otherwise described in this Agreement in an effort to increase student participation, including race/ethnic-targeted recruitment and outreach efforts to directly encourage African American students to consider participation.

Action Step V – Reporting Requirement

- By August 30, 2015, and annually by the same date thereafter, the District will provide to OCR documentation demonstrating that the parent/guardian and student outreach plans were implemented during the previous school year consistent with Action Step V above, including copies of any written notices or other correspondence, and details and documentation of any events held with parents/guardians and students.

VI. ACADEMIC COUNSELING SERVICES

- A. By May 14, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current academic counseling services at the middle school and high school levels and make any changes necessary to ensure that all students receive counseling that:
1. informs each student of all available program and course options and encourages participation in these programs and courses, including foundation courses and course progression at the District's elementary and middle schools, as applicable. This will include individual counseling as well as inclusion of information on the District's CCP courses and programs in any information sessions provided to students about middle and high school enrollment and the college application process. These sessions may include presentations by college admissions coordinators and testimonials from a diverse group of students and from their parents/guardians, as well as from teachers and principals;
 2. allows each student to meaningfully consider enrollment in the programs and courses that are most likely to meet their educational needs and objectives;
 3. advises students of the significance given to CCP courses and programs by colleges and universities in the admissions process and of the opportunity to receive college credit for certain AP, IB, and dual enrollment courses; and
 4. directly and personally encourages each student to enroll in programs or courses that are appropriately challenging and will appropriately prepare each student for CCP courses and programs and later for higher education.

The District will thereafter continue to assess its counseling services to ensure that all students are reasonably informed of all available and relevant program and course options, including information on the District's CCP courses and programs.

Action Step VI - Reporting Requirement

- By August 30, 2015, and by the same date annually thereafter, the District will provide to OCR documentation demonstrating that academic counseling services were reasonably implemented during the previous school year consistent with Action Step VI above, including, but not limited to, a description of how these services were provided to students.

VII. TRAINING FOR DISTRICT STAFF/ADMINISTRATORS

- A. By May 14, 2015, after reviewing the recommendations of the consultant, the District will determine whether changes are needed to its current training plan for relevant District and school site administrators, counselors and teaching staff regarding its CCP courses and programs and its foundation courses at its elementary and middle schools. If not already being done, any training plan will include, at a minimum:
1. an assessment that ensures that teachers are qualified to teach in the areas they have been assigned to teach and that counselors provided accurate information about the District's CCP programs and courses;
 2. a review of the enrollment demographics for students enrolled in the District's CCP courses and programs, including enrollment at each CCP course and program, by race, at each school site, including comparisons to the overall District enrollment rate;
 3. a presentation by an expert during school year 2014-2015, which may be the consultant, in best practices for identification/selection and retention of African American students in such programs and courses;
 4. instruction on encouraging student participation in these courses and programs;
 5. an overview of the identification/selection criteria for these courses and programs;
 6. an overview of parent/guardian and student outreach efforts regarding these courses and programs; and
 7. information or instruction regarding other actions the District may be taking in an effort to increase student participation in these courses and programs, including race/ethnic-targeted recruitment and outreach efforts to directly encourage African American students to consider participation.

Action Step VII – Reporting Requirement

- By August 14, 2015, the District will provide to OCR documentation demonstrating that it has provided training to district personnel during school year 2014-2015 in accordance with Action Step VII above, including: (a) the name(s) and title(s) of the individuals who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

VIII. DATA MAINTENANCE

- A. Beginning with the 2014-2015 school year, and annually thereafter, the District will maintain the following data:
1. the number of students, by race, enrolled in each District school in the just-completed school year; and
 2. the number of students, by race, and school, enrolled in each CCP course and program, in each of the District's elementary/middle/high schools in the just-completed school year – the information will be provided for each program/course, so that an accurate percentage of overall students is possible – *i.e.*, data should be reported in such a manner so that students who are taking more than one of the specified courses are not double-counted.

Action Step VIII - Reporting Requirements

- By August 14, 2015, August 14, 2016, and August 14, 2017, the District will provide to OCR the data referenced in Action Step VIII.A.1-2.

GENERAL REQUIREMENTS

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3(a) and (b), which were at issue in this case. Prior to the conclusion of OCR's monitoring, the District will provide documentation establishing that any disparities relating to the underrepresentation of African American students in rigorous college preparatory courses in the District are not the result of discrimination prohibited by Title VI and its implementing regulations.

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 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 regulation at 34 C.F.R. § 100.3(a) and (b).

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. In the event that OCR decides to initiate administrative enforcement proceedings pursuant to 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.

10/1/14

Date

/s/

South Orange Maplewood School District