

**RESOLUTION AGREEMENT
LEE COUNTY SCHOOL DISTRICT, AL
COMPLIANCE REVIEW #04-08-5001**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced compliance review of the Lee County School District (District) under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100. To ensure compliance with Title VI and its implementing regulation and to resolve the issues of this review, the District agrees to take the following actions:

COMPREHENSIVE PLAN

1. By October 30, 2013, the District will retain a consultant(s)¹ with expertise in a) addressing the underrepresentation of African-American students in advanced placement (AP) and pre-Advanced Placement (pre-AP) classes, Calculus and Physics courses, other advanced courses and dual enrollment courses (collectively Higher Level Courses); b) assessing students' academic needs; and c) assessing and identifying resources needed to meet students' academic needs. The Consultant will be engaged to assist the District in undertaking a comprehensive review and assessment, make recommendations, and develop a comprehensive plan (Plan) as detailed below, relating to access to and enrollment in the District's Higher Level Courses. The District shall promptly provide the consultant(s) with all appropriate information the consultant(s) believes is necessary to engage in this process.
2. By March 1, 2014, the District shall obtain from the consultant(s) a written report outlining findings based upon the assessments and determinations described in subparts A through C and recommendations relating to measures the District could take to address the underrepresentation of African-American students in Higher Level Courses.
 - A. Review and assessment of past enrollment:** The District, as assisted by the Consultant, will complete a review and assessment of its Higher Level Courses as well as Algebra 8, pre-Algebra 8, other advanced middle school courses and gifted and talented programs (Potential Gateway Courses) for the 2010-2011 through the 2012-2013 school years. At a minimum, the District will:
 - 1) review the District's enrollment data in each Higher Level or Potential Gateway course, including trend data, specifically considering the relationship between Potential Gateway Courses and Higher Level Courses;
 - 2) review and assess any potential barriers to increased student participation in the District's Higher Level or Potential Gateway courses relating to:

¹ The Southeastern Equity Center is available, upon request, to assist the District with the comprehensive assessment and plan development, at no charge or for a minimal fee.

- a. the number and subject matter of such course/program offerings at each District school;
 - b. participation (or lack of participation) in such courses/programs;
 - c. any District enrollment, registration, selection criteria or other policies and procedures related to enrollment in such courses/programs;
 - d. teacher training to teach such courses/programs;
 - e. communication and outreach to students and parents/guardians about these courses/programs and the enrollment process;
 - f. advertisement of such courses/programs;
 - g. peer pressure;
 - h. the need for parental approval of student participation in such programs/courses;
 - i. early awareness on the part of parents/guardians/students of the relationship between the elementary school/middle school curriculum, the high school curriculum, college preparedness and college admissions consideration; and
 - j. support services for students enrolled in, or preparing to take such courses/programs.
- 3) develop and administer a survey to offer students in grades 6-11, their parents/guardians and relevant staff of the District the opportunity to submit information about their perceptions and understanding with respect to the recruitment, selection and/or participation in the District's Higher Level and Potential Gateway courses;
 - 4) identify any other potential barriers to increased African-American student participation in the District's Higher Level and Potential Gateway courses; and,
 - 5) review and assess which methods undertaken by the District to date have been effective (or ineffective) for promoting early awareness of student participation in the District's Higher Level or Potential Gateway courses and promoting increased participation in such courses.

B. Assessment of Student Academic Needs, Teacher Effectiveness and Technology: The District, in conjunction with the consultant(s) will:

- 1) assess the academic proficiency and needs of African-American students from kindergarten through high school in those skills and subject areas necessary for success in Higher Level and Potential Gateway courses;

- 2) for each school, review and assess the availability and effectiveness of the technology and other resources needed to provide meaningful access to distance learning, online learning and other means of delivery of instruction through technology; and,
- 3) assess the effectiveness of teachers in addressing achievement gaps between African-American and non-African-American students and the need for professional development, mentoring of instruction and accountability for learning and support.

C. Establishment of Enrollment Criteria and Enhancement of Course Offerings:

By May 1, 2014, in conjunction with the consultant, the District will establish District-wide enrollment criteria for Higher Level courses offered in the District. The District will ensure that the course enrollment criteria are educationally justifiable and relevant to successful completion of each course, and prepare a written summary of the justification for each criterion. In determining whether the criteria are educationally justifiable and relevant to successful completion of the class, the District will review the success rates and student profiles of students who have enrolled in the above courses. The District will determine whether any criterion has a disproportionate adverse impact upon African-American students and if so, will determine whether there is an equally effective alternative criterion that will not have an adverse impact.

3. **Plan Development and Implementation:** By May 1, 2014, in conjunction with the consultant(s) the District will develop a comprehensive district-wide plan for addressing the underrepresentation of African-American students in higher level courses (Plan). The plan will incorporate findings and recommendations resulting from the reviews and assessments detailed in Items 3 and 4 and the criteria established pursuant to Item 5 above. The plan will include a time-table for implementation of each action, the personnel responsible for each action item and the information or data that will be used to assess the effectiveness of each action item. If the District determines that any recommendation of the consultant is not feasible or should be modified, the District will: a) provide a detailed explanation for its determination and b) propose an equally effective alternative to the consultant(s)' recommendation. The District will implement the plan in accordance with the schedule.

REPORTING REQUIREMENT:

- a) By October 30, 2013, the District will provide OCR the name, address, qualifications and experience of the consultant; a copy of any contracts, agreements or memoranda of understanding between the District and the consultant; a description of the scope of work to be undertaken by the consultant and the due dates for each report from the consultant.

- b) By January 30, 2014, the District will provide OCR a list of all information provided to the consultant. If the District has been unable to provide any information requested by the consultant the District will provide a list of requested items and the reasons that the information could not be provided.
- c) By March 15, 2014, the District will provide OCR a copy of the consultant(s)' written report.
- d) By March 15, 2014, the District will provide OCR with a copy of enrollment criteria developed in accordance with Item 5 above for OCR review; the justification for each criterion; the District's determination concerning whether the criterion has an adverse impact upon African-American students and if so, the alternative criteria that the District has considered and reasons for rejecting any such criteria. The District will also provide OCR with a summary of the data relied upon to determine whether the criteria are educationally justifiable. Upon receipt of OCR's notification to proceed, the District will incorporate the enrollment criteria into its comprehensive plan.
- e) By May 15, 2014, the District will provide OCR a copy of the plan, documentation concerning which findings and recommendations it included in the plan, documentation concerning the reasons for any determination that a recommendation by the consultant is not feasible or should be modified, and documentation supporting any action it proposes as an alternative to any recommendation of the consultant.
- f) By May 30, 2014, the District will provide OCR documentation demonstrating that it has implemented actions designed to address any identified barriers related to course advertisement and awareness of students and their parents/guardians.
- g) Beginning June 30, 2014, and continuing until monitoring of this Agreement has closed, the District will provide OCR reports concerning the status of the actions taken pursuant to the plan by June 30th of each year.

SELF-STUDY OF EFFECTIVENESS OF COMPREHENSIVE PLAN AND RECORD-KEEPING

- 4. By September 15, 2014, and thereafter within 30 days after the first day of each school year, the District will conduct a self-evaluation of the enrollment in Higher Level and Potential Gateway courses to determine whether implementation of the plan has addressed the underrepresentation of African-American students in Higher Level and Potential Gateway courses. Data to be considered in the self-study includes but is not limited to the demographic breakdown of each course at each school; the method of delivery of each course (live on campus, distance learning, online, dual enrollment, etc.); and, for each student enrolled in each course, the prior course history and the eligibility criteria satisfied to gain admission to the course. If

the data shows that there is underrepresentation of African-American students in the courses, in conjunction with the consultant, the District will identify any barriers to African-American students' participation in the courses or programs, determine the reasons for the underrepresentation and revise the Plan as necessary to ensure that African-American students have an equal opportunity for participation in the courses or program. In identifying possible barriers the District will consider whether any eligibility criterion has a disproportionate adverse impact upon students of a particular race or national origin. The data utilized for the self-study will be retained until monitoring is closed.

REPORTING REQUIREMENT:

By September 30th of each year that the Agreement is in monitoring, the District will provide OCR the results of the District's self-evaluation, including the determination of whether there is underrepresentation of African-American students in Higher Level and Potential Gateway courses, and supporting data; any barriers to African-American students' participation in the courses; the reasons for the underrepresentation; and any revisions to its plan based on the results of the self-evaluation.

5. By September 15th of each year, until monitoring of this Agreement has been closed by OCR, the District will collect and prepare a report (Gifted Program Report) of the following data concerning 6th through 8th grade students participating in cluster grouping or content area classes (or any other comparable gifted program or instructional delivery method): for each school and for each instructional delivery method, a) the name (or other identifier), race and grade of each student receiving instruction through that method; b) the courses or subjects taught to each identified student through that method; and c) the grades, test scores and other factors relied upon to place each identified student in the gifted program. The report due by September 15, 2013 will include data for students participating in cluster grouping or content area classes during the 2010-2011, 2011-2012, and/or 2012-2013 school years. Thereafter, each report will include data for students participating in such programs during the preceding school year.

REPORTING REQUIREMENT:

By September 30th of each year, until monitoring of this Agreement has been closed by OCR, the District will provide OCR with a copy of the Gifted Program Report prepared in accordance with this Item.

TRANSPORTATION FOR DUAL ENROLLMENT

6. By November 30, 2013 the District will arrange for transportation for students who wish to participate in dual enrollment courses but are unable to arrange for private transportation to the partner college and will provide notice of the availability of the

transportation to all high school students and their parents or guardians. The transportation will be available effective January 1, 2014.

REPORTING REQUIREMENT:

By November 30, 2013 the District will provide OCR documentation demonstrating that it has made arrangements for transportation of students to local colleges for dual enrollment courses and has provided notice of the availability of the transportation to high school students and their parents.

By January 30, 2014 and thereafter within 30 days of the beginning of each semester, the District will provide OCR the name, race and zoned or assigned school of each student requesting transportation to a local college for dual enrollment courses; the college to which the transportation was requested; and, documentation demonstrating that the requested transportation was provided.

SCHOOL TRANSFERS AND DISTANCE LEARNING OPPORTUNITIES

7. Effective January 1, 2014, the District will permit students to transfer from a school which has fewer Higher Level or Potential Gateway course options to a school providing more options or participate in distance learning opportunities at schools providing more options. The District will provide notice of the transfer and distance learning opportunity to all middle and high school students and their parents or guardians; the notice will include access to information about the Higher Level and Potential Gateway course options at all schools. The District will not be required to provide transportation for transfers permitted pursuant to this Item of the Agreement.

REPORTING REQUIREMENT:

By November 30, 2013, the District will provide OCR documentation demonstrating that it has provided middle and high school students and their parents or guardians the notice required by this Item of the Agreement.

By January 30, 2014, and thereafter within 30 days of the beginning of each calendar year, the District will provide OCR documentation demonstrating: the name, race and zoned or assigned school of each student requesting a transfer or distance learning opportunity; the requested transfer or distance learning school; and, the District's response to the transfer or distance learning request.

ENCOURAGEMENT OF PARTICIPATION IN HIGHER LEVEL CLASSES

8. By February 28, 2014, the District will develop for inclusion in the Plan, a written strategy (Strategy) to encourage students at all of the District's middle and high schools to aspire to attend college, and to participate in available Higher Level and

Potential Gateway courses. The Strategy will include outreach to and communication with students and parents from elementary through high school grades and will include written and oral presentations of information. The Strategy will include some components that can be incorporated prior to registration for courses for the 2014-2015 school year as well as components to be implemented subsequent to the 2014-2015 registration period.

REPORTING REQUIREMENT:

By March 30, 2014, the District will provide OCR documentation demonstrating that it has implemented Strategy components scheduled for implementation prior to registration for the 2014-2015 school year. The documentation will include a report of the dates and locations of all meetings or other sessions during which oral presentations were made to students and/or parents, the names and titles of District staff members or students involved in the presentation, and a description of the audience (students or parents, grade level, relevant school, etc.), an approximate breakdown by race and national origin of the members of the audience and as to all written materials distributed, a list or description of materials distributed, the date and method of delivery, and a description of the recipients (ex. parents of all 7th and 8th grade students in the District).

9. The District will apply for any available grant monies to be used to help District AP students defray the costs of the AP examination.

REPORTING REQUIREMENT:

By December 15, 2013, the District will provide OCR with a written report of the District's efforts to apply for available grant monies to be used to help District AP students defray the costs of the AP examination.

STAFF TRAINING

10. By June 30, 2014, the District will provide training to the District's administrators, faculty and staff regarding the comprehensive plan developed pursuant to Item 3 above and Title VI's prohibition against discrimination on the basis of race, color and national origin.

REPORTING REQUIREMENT:

By June 30, 2014, the District will provide documentation to OCR demonstrating that the District has conducted training pursuant to this Item. The documentation shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the 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. 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 the regulation implementing Title VI at 34 C.F.R. §§ 100.3(a), (b)(1), and (b)(2).

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.

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 the regulation implementing Title VI at 34 C.F.R. §§ 100.3(a), (b)(1), and (b)(2).

This Agreement will become effective immediately upon the signature of the Superintendent or his designee below.

Superintendent
or designee

Date