

Charging Party’s Proposed Terms of Conciliation¹

Loudoun County Public Schools (LCPS) agrees to implement the action steps set forth below:²

1. **Improve access to challenging curriculum, including the pipeline between elementary, middle and high school gifted and talented program opportunities.**
 - a. Develop equitable Academies of Loudoun admissions criteria based on “STEM interest and academic criteria” (rather than a “Governor’s honor’s program” or “gifted and talented program”):³
 - a.i. Eliminate standardized testing such as the California Critical Thinking Disposition Inventory Scores (CCTDI), California Critical thinking Skills Test (CCTST-N), and STEM Thinking Skills Assessment as criteria for admission;
 - a.ii. Select applicants using the following criteria: (1) final grade of C or above; (2) enrollment in the required level of math;⁴
 - a.iii. Offer admission to applicants on a random basis (i.e. lottery system)⁵; in formulating the random selection process for admission, strive towards

1 For additional context, see attached **Exhibit A** “Desegregation in Loudoun County Public Schools, 1954-1970” (Evelyn D. Causey and Julia Claypool, April 30, 2010), and **Exhibit B** “History of Education in Loudoun County” (Dorsey Ford, 1937). The Charging Party asserts that these documents provide a historical narrative of Loudoun County’s embedded systems of inequities and serve as a foundational framework to begin discussions surrounding terms of conciliation. Historical context is necessary to understand how we got to where we are today so we can better understand where we would like to go moving forward. Outlined below are steps the Charging Party proposes that work towards moving forward, i.e. building an institutionalized system equity in a meaningful way that gets to the heart of addressing the alleged ongoing disparate impact.

2 Please note that these proposed terms are a working document, and subject to change in light of the uncertainties surrounding the impact of the COVID-19 pandemic on education-related decision making and policies.

3 The Charging Party takes the position that The Academies of Loudoun was designated a Governor’s STEM Academy in 2008 *open to the general population*, not a Governor’s School for gifted and talented students, like Thomas Jefferson HS for Science and Technology. For additional context, see, attached **Exhibit C**.

4 *Fisher v. University of Texas*, 570 US 297 (2013).

5 See, *Code of Virginia* §22.1-212.6.

selecting a diverse student body that is reflective of the demographics of the LCPS student population; and

- a.iv. Include NAACP Loudoun Branch as a stakeholder in developing the process LCPS uses to revise its admissions criteria and implement procedures in the way described above.
 - a.v. Partner with local colleges, universities, corporations and LCPS alumni to develop and fund mentorship programs targeting minority communities interested in STEM. Include support and services such as free tutoring, career focused workshops, and education to parents navigating LCPS resources.
- b. Revise Elementary Gifted and Talented Programs/Specialized Education.
- b.i. Develop a holistic admissions criteria that strives towards selecting a diverse student body that is reflective of the demographics of the LCPS student population; the criteria should also include strategies to increase identification and selection of historically underrepresented students, including Black/African-American students.
 - b.ii. Implement specialized gifted and talented programs, such as Edge, Propel, and Level up, at all schools with a general gifted and talented program. Provide access transportation as needed.
 - b.iii. Include NAACP Loudoun Branch as a stakeholder in the process LCPS uses to revise its identification and selection criteria and implement procedures in the way described above.
- c. Develop a STEM based elementary after-school and summer program with a focus on African-American studies. Develop this program in partnership with African-American studies experts from local academic institutions and organizations, such as Loudoun Freedom Center, NAACP Loudoun Branch, George Mason University, George Washington University, Howard University, Northern Virginia Community College, and Friends of Thomas Balch Library Black History Committee.⁶

⁶ It is the Division of Human Rights' understanding that Loudoun Freedom Center was founded by Pastor Michelle Thomas, who currently serves as the President of NAACP Loudoun Branch.

- d. Implement after-school affinity groups for Black/African -American students at each Middle School and High School in partnership with local academic institutions and organizations, such as Loudoun Freedom Center, NAACP Loudoun Branch, George Mason University, George Washington University, Howard University, Northern Virginia Community College, and Friends of Thomas Balch Library Black History Committee.

 - e. Support the creation of a public charter school.
 - e.i. Facilitate the creation of a public charter school that prepares the next generation of leaders for careers in science, technology, engineering, art, and mathematics, with a focus on African-American studies and eliminating the historical achievement gap experienced by Black/African-American students in LCPS.
 - e.ii. Facilitate the process required to change the names of Hillsboro Academy and Academies of Loudoun.⁷

 - f. Provide funding for NAACP Scholarship Fund.⁸
2. **Eliminate unlawful discrimination and harassment in LCPS, including racially motivated incidents occurring in school (i.e., insults, slurs, and violent conduct, including cyberbullying).**
- a. Develop an online bias incident reporting system to prevent and address incidents of racial bias and hate. Implement procedures to report and investigate incidents of racial bias and hate in an expedient manner. The policy and procedures should include the following reporting mechanisms:

⁷ The Charging Party alleges that the names selected for two current Loudoun academic programs, the Academies of Loudoun and the Hillsboro Charter Academy, a public charter school in Loudoun County, are the same names that were historically used for two racially segregated educational institutions in Loudoun County. Because the two names are a harsh reminder of previous educational institutions that segregated students on the basis of race, the names should be changed.

⁸ See attached **Exhibit D** – Criteria and Application Timeline for 2020 NAACP Loudoun Branch Scholarship.

- a.i. Develop culturally sensitive reporting and investigative procedures that consider confidentiality concerns, safety concerns, and student fears surrounding reporting (i.e. fear of retaliation and further bullying by students, fear of reporting a teacher/staff member, fear of not being able to substantiate claims, fear of not being believed, inability to obtain sufficient witness corroboration, and reluctance of witnesses to become involved);
 - a.ii. Automatic online notification to the parent, principal, Director of Equity, and appropriate equity representative of any report within the hour of the alleged incident;
 - a.iii. Initiate the investigation and response on the same day as the incident;
 - a.iv. Complete investigation and prepare report within 48 hours;
 - a.v. Report all incidents to central administrative office - Director of Equity - who will have the discretion to initiate a higher level of scrutiny in schools where there appears to be a pattern and practice of bias and hate incidents; and
 - a.vi. Provide alternative avenues of confidential reporting to those who are unable to access online system.
- b. Educate parents, students, and staff about school policy in preventing and responding to discrimination and harassment in school, and process racial incident reporting and investigation policy and procedures.
- b.i. Utilize ParentVue and back to school night (five minute module) as a way to educate families about the policy and procedures on an annual basis.
 - b.ii. Utilize student resource block to educate students about the policy and procedures on an annual basis.
 - b.iii. Train school staff, including cafeteria workers and bus drivers, about this policy and procedures on an annual basis at the beginning of the each school year.
- c. Publish data on alleged incidents and investigations in an aggregate manner (removing all personally identifying information) on a weekly basis.
- d. Provide the contact information of NAACP Loudoun Branch as a resource for students who have experienced incidents of racial bias and hate at school.

- e. Provide funding to NAACP Education Discrimination Fund used for the purpose of providing LCPS students who have experienced racially motivated incidents with resources, referral, and payment of legal services needed.
 - f. Provide funding to NAACP Victims Compensation Fund used for the purpose of providing LCPS students who have experienced racially motivated violence with resources, referrals, and payment of psychological services needed.
- 3. Eliminate discipline policies and practices that have a disproportionate negative impact on Black/African-American students.**
- a. Revise discipline policies and procedures with a focus on racially conscious strategies that are aimed at equitable implementation of discipline policies, including positive behavioral supports. Assign this task to the Ad Hoc Committee on Equity in partnership with academic experts in African American studies from local educational institutions and organizations, such as George Washington University, Northern Virginia Community College, Howard University, and Loudoun Freedom Center.
 - b. Remove John Beatty as chair of the current discipline committee and Ad Hoc Committee on Equity through reassignment.⁹
- 4. Foster meaningful racial consciousness and racial literacy throughout LCPS.**
- a. Move forward with the LCPS positions related to equity that would be new.¹⁰

⁹ For additional historical context, see attached **Exhibit E**.

¹⁰ In recommendations made to the Loudoun County School Board (LCSB), the LCPS Superintendent has proposed the reduction of 17.8 positions relating to equity that would be new. The equity positions go to the heart of fostering meaningful racial consciousness and racial literacy at LCPS as recommended by the Equity Collaborate Report. In the alternative, Charging Party proposes that LCSB reject recommendation made by LCPS Superintendent to reduce 17.8 positions relating to equity. See, LCPS School Board FY21 Budget Reconciliation (April 28, 2020) at p. 56.

- b. Review and revise as necessary, the Black/African American history curriculum as applied throughout LCPS, including the history of Loudoun County, in partnership with academic experts in African-American studies from local educational institutions and organizations, such as George Mason University, George Washington University, Northern Virginia Community College, Howard University, and the Loudoun Freedom Center.

- c. Review and revise as necessary, the textbooks and materials used for lesson planning related to the history and experiences of Black/African-American minority groups. Include relevant stakeholders in the review process, including NAACP Loudoun Branch, academic experts in the history and experience of Black/African-Americans. The goal is to select reading materials and lesson plans that are culturally sensitive to Black/African-Americans that tend to be marginalized.

- d. Develop and implement an annual equity training program to be provided to all students two times a year (September and January), through a collaborative effort between NAACP Loudoun Branch, Loudoun Freedom Center, and LCPS.

- e. Partner with the NAACP Loudoun Branch, Loudoun Freedom Center, and local academic experts in the area of African-American studies to provide racial literacy training initiatives for LCPS employees.¹¹
 - e.i. Develop avenues for additional coaching for teachers and staff resistant to racial literacy training.
 - e.ii. Include bus drivers and cafeteria staff in racial literacy initiatives.

- f. Mandate African-American history as a course requirement for new teacher orientation and as part of LCPS ongoing professional development for all LCPS teachers. Develop this course in partnership with organizations such as the Loudoun Freedom Center, NAACP Loudoun Branch, George Mason University, George Washington University, Howard University, Northern Virginia Community College, and Friends of Thomas Balch Library Black History Committee.

¹¹ The Charging Party alleges that NAACP Loudoun Branch and Loudoun Freedom Center, despite their longstanding trust with Black/African American communities in Loudoun County, have been intentionally excluded from the process, while third party vendors who do not have a sense of the unique community experiences of minority groups within Loudoun County have been brought into the process.

- g. In partnership with the NAACP Loudoun Branch, facilitate the development of the following district-wide programs to support the needs of Black/African American students: mentoring, leadership development, student success summit, and outreach initiative for student-led organizations.
- h. Implement an African-American history course developed by organizations such as Loudoun Freedom Center, NAACP Loudoun Branch, George Mason University, George Washington University, Howard University, Northern Virginia Community College, and Friends of Thomas Balch Library Black History Committee, as a high school elective by 2021.
- i. As part of the work of the LCPS Ad Hoc Committee, develop criteria to identify schools that have worked in a meaningful way on the above-identified strategies to improve racial consciousness, racial literacy, and access to challenging curriculum; and recommend that the school board designate a school that meets such criteria as a “culturally competent district.”

5. Eliminate bias in the LCPS hiring process.

- a. Review and revise LCSB equal employment opportunity (EEO) policies and procedures with a focus on racially conscious strategies that are aimed at equitable employment recruitment, hiring, and promotion policies.
- b. Mandate EEO training in the area of racial discrimination for all LCPS employees involved in recruitment, hiring, and promotion of LCPS teachers and administrators, including all human resource employees.
- c. Make available teacher applicant pool and employee data on the basis of race, while redacting all personally identifiable information, to the NAACP Loudoun Branch at their request at no cost.

- d. Include Ad Hoc Committee on Equity in the development of the selection criteria of the differentiated teachers for middle school and high school positions related to equity.¹² Make criteria available to public.
6. **Retain, in consultation with the Charging Party, a third-party consultant/expert¹³ at its own expense to annually monitor, assess, and make recommendations on the following:**
- a. LCPS data on the recruitment and selection of students in all gifted and talented programs to ensure that the policies and practices utilized to recruit and select students are effectively improving equitable access to and an equal opportunity to participate in challenging curriculum.
 - b. LCPS data on reporting and investigating incidents of bias and hate to ensure that the policies and procedures utilized to address such incidents in school are effective and that students feel safe reporting alleged incidents.
 - c. LCPS data and disciplinary records to ensure that LCPS discipline policies and procedures are being effectively implemented in a racially conscious manner.
 - d. LCPS data on applicants and employees on the basis of race to ensure that LCPS policies and procedures pertaining to recruitment, hiring and promotion are being effectively implemented in a racially conscious manner.
 - e. Progress made in fostering meaningful racial consciousness and racial literacy throughout LCPS in the areas described above.

¹² The LCPS Superintendent has not recommended for reduction the 12.8 differentiated teachers for middle school and high school as new positions relating to equity. See, LCPS School Board FY21 Budget Reconciliation (April 28, 2020) at p. 55.

¹³ Consultant(s) should have expertise in addressing challenges relating to (1) the underrepresentation of Black/African-American students in challenging curriculum, (2) incidents of bias and hate in school, (3) discipline policies that disproportionately impact Black/African-American students, (4) racial consciousness and racial literacy, and (5) equal employment opportunities.