

Voluntary Resolution Agreement
Lynchburg City Schools
OCR Compliance Review No. 11-10-5004

The U.S. Department of Education, Office for Civil Rights (OCR) initiated a compliance review of Lynchburg City Schools (the Division) in order to investigate whether the Division discriminates against African American students on the basis of race in providing college and career readiness, an educational benefit that cumulatively results from numerous school division programs, policies and resources, in violation of Title VI and the implementing regulation at 34 C.F.R. Sections 100.3(a), (b)(1)(i), (iii), (iv), (v) and 100.3(b)(2). The compliance review further examined the Division's discipline policies and practices as they applied to African American students. The Division is subject to Title VI because it receives Federal financial assistance from the Department of Education. Title VI of the Civil Rights Act of 1964, 42, U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. pt. 100 provide, in relevant part, that no program or activity receiving Federal financial assistance from the Department of Education may discriminate on the basis of race or national origin.

The Division denies that it violated Title VI, its implementing regulations, or any other law. Prior to the conclusion of OCR's investigation, the Division expressed an interest in resolving this review in order to avoid to costs of further investigation and possible litigation.

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. OCR further recognizes that the Division has already begun implementing many of the measures described in this Agreement.

Based on the foregoing, and consistent with its commitment to equity and consistency in educational opportunities, and to alleviate the necessity of further investigation, the Division agrees to the following provisions of this Agreement:

I. COLLEGE AND CAREER READINESS

A. Equity Consultant

The Division agrees to retain the services of a consultant(s) 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, Advanced Placement (AP) and Dual Credit (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 shall 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.

The consultant may be an independent contractor for the Division and/or an employee of the Division. After retaining its consultant, the Division shall promptly provide the consultant with all appropriate information that the consultant believes is necessary to engage in this process.

Reporting Requirement: By May 31, 2014, the Division will provide documentation to OCR demonstrating that it has retained the consultant(s), including the name, contact information, qualifications and experience for the individual(s) the Division retained.

B. Review and Assessment of Past Enrollment

The Division will complete a review and assessment of its GO, elementary and middle school Advanced Courses, and high school Advanced, AP and DC Courses for the 2009-2010 through the 2013-2014 school years. At a minimum, the Division will:

1. Review the Division's enrollment data, disaggregated by race, in GO, elementary and middle school Advanced Courses, and high school Advanced, AP and DC Courses, specifically considering whether there is a relationship between enrollment in GO and elementary and middle school Advanced Courses and enrollment in high school Advanced, AP and DC Courses;
2. Review and assess potential barriers to increased enrollment of African American students in the Division's GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses relating to:
 - a. the number and subject matter of such course/program offerings;
 - b. information about courses at the elementary and middle school levels that are prerequisites for Advanced, AP and DC Courses;
 - c. any Division enrollment, registration 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;
 - f. advertisement of such courses/programs;
 - g. the need for parental approval of student participation in such programs/courses;
 - h. early awareness on the part of parents/guardians/students of the relationship between the elementary school/middle school curriculum and the high school curriculum; and
 - i. support services for students enrolled in, or preparing to take such courses/programs.
3. Attempt to identify other potential barriers to increased African American student enrollment in the Division's GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses;
4. Send a copy of a letter to parents of all elementary school students, informing them of the accelerated and advanced classes available at the Division's elementary, middle, and high schools. The letter will explain the importance of a student beginning rigorous work early in a student's educational career to prepare for challenging courses in high school (including Advanced Placement courses) and obtain an Advanced Studies diploma and

encourage the parents/guardians to have the students avail themselves of these opportunities;

5. Host a meeting for any interested Division parents/guardians to share information about the GO Program, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses, attempt to identify perceived barriers to increased enrollment of African American students in such courses and solicit recommendations for increasing enrollment of African American students. The Division will solicit information (at the meeting or through surveys, etc.) from parents/guardians about whether parents/guardians have adequate information about the Division's academic programs (including advanced learning opportunities and remedial programs) and whether parents/guardians are adequately informed about pathways for college and career readiness starting as early as the elementary level. The Division will ensure that it effectively and widely disseminates notice of the meeting 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 to encourage attendance; and
6. Host a meeting for any interested Grade 8 and high school students to share information about high school Advanced, AP and DC Courses, attempt to identify perceived barriers to increased enrollment of African American students in such courses and solicit recommendations for increasing enrollment of African American students.
7. Develop and administer a survey to offer students in grades 5, 8 and 9-11, their parents/guardians, as well as parents/guardians of students in grade 2, and relevant staff of the Division the opportunity to submit information about their awareness and understanding with respect to the recruitment, selection and/or participation in GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses, as applicable, and the Division's efforts to provide all students with an equal opportunity to enroll in these programs.

Reporting Requirement: By August 29, 2014, the Division shall provide OCR a comprehensive written report regarding the Assessment of Past Enrollment.

Reporting Requirement: By September 30, 2014, the Division will provide to OCR a copy of the consultant's written report outlining his or her recommendations after the completion of the Division's review and assessment of past enrollment, interviews and surveys in conjunction with the Action Items above; and

Reporting Requirement: By May 30, 2014, the Division shall provide OCR a copy of the letter to parents/guardians discussed in B.5. and a written report of the scheduled date, time, and location of the parent meeting.

C. Elementary and Middle School Action Plan:

In collaboration with the consultant, the Division shall review the results of the Assessment of Past Enrollment in its GO program, including (1) the selection criteria, together with the use of testing, for admission to the GO program and all Advanced Courses in each Division elementary and middle school and (2) data disaggregated by race regarding the selection of students for the GO program and all Advanced Courses at each elementary and middle school. The Division shall develop, after considering the recommendations of the consultant, an Elementary and

Middle School Action Plan to increase enrollment of African American students in its GO Program and elementary and middle school Advanced Courses. As part of the Elementary and Middle School Action Plan, the Division shall:

1. Identify elementary and middle schools at which the participation of African American students in Advanced Courses is lower than the representation of African American students in the overall school population and attempt to determine the causes.
2. Identify elementary and middle schools at which the participation of African American students in Advanced Courses is consistent with or higher than the representation of African American students in the overall school population and attempt to identify practices or programs that contribute to those results.
3. Develop a Division-wide comprehensive plan to address the disproportionately low participation of African American students in Advanced Courses in elementary and middle schools, to include:
 - a. Consideration of uniform selection criteria based on sound educational research;
 - b. Consideration of educational programs to increase African American student achievement and preparedness for advanced and accelerated classes;
 - c. An assurance that in each elementary and middle school in the Division, African American students have information about and are encouraged to enroll in all courses that are prerequisites for middle school Advanced Courses and high school AP and DC courses;
 - d. An annual analysis of advanced students, until OCR closes the monitoring of this case, including enrollment by race and availability of advanced courses, to inform future modification of program policies, procedures and practices;
 - e. Short and long term goals, specific steps and strategies (e.g., professional development, informational meetings for parents/guardians, and other means), a timeline for their attainment/implementation starting during the 2014-2015 school year; and
 - f. Annual monitoring and evaluation, until OCR closes the monitoring of this case, of the success of these schools in increasing enrollment of African American students in the GO Program and elementary and middle school Advanced Courses.
4. Develop a Division-wide comprehensive plan to address the disproportionate participation of African American students in the Gifted Opportunities (GO) Center, to include:
 - a. Consideration of uniform selection criteria based on sound educational research;
 - b. An annual analysis of GO Center students, until OCR closes the monitoring of this case, including enrollment and student performance, as defined by the Division by race, to inform future modification of program policies, procedures and practices.

Upon approval of the plan by OCR, the Division will publish on its website the Action Plan, the selection criteria for advanced and accelerated classes at the elementary and middle school levels, the selection criteria for the GO Center, and any applicable waiver processes.

The Division will review which elementary schools currently provide a reading incentive program, such as the Accelerated Reading Program at Bass Elementary School, and consider implementing similar programs at other Division elementary schools.

The Division will review which schools currently provide increased after-school tutoring in math and reading and consider offering such tutoring or other comparable services at other Division schools, with priority given to schools with the lowest pass rates on Reading and Math SOL tests by African American students.

Reporting Requirement: By November 25, 2014, the Division shall provide for OCR's review and approval a copy of the proposed Elementary and Middle School Action Plan.

Reporting Requirement: Within 60 days of OCR's approval of the Elementary and Middle School Action Plan, the Division will implement the Plan.

Reporting Requirement: By July 31, 2015, the Division shall provide a comprehensive analysis of the effectiveness of the Elementary and Middle School Action Plan in increasing enrollment of African American students in advanced classes in elementary and middle schools and in the GO Center to date.

Reporting Requirement: By May 29, 2014, the Division shall notify OCR in writing which schools offer reading incentive programs and after-school tutoring programs and, if applicable, explain why other schools do not offer comparable programs.

D. High School Action Plan:

In collaboration with the consultant, the Division shall review the results of the Assessment of Past Enrollment in high school Advanced, AP and DC Courses and the recommendations made by the consultant and shall develop a High School Action Plan to address any barriers for the enrollment of African American students in high school Advanced, AP, and DC courses. In developing the High School Action Plan, the Division and the consultant will consider, among other things, enrollment in Advanced, AP, and DC courses by race; course taking and achievement patterns by race; the availability and efficacy of curricular interventions and support; and any need for additional professional development for teachers and guidance counselors. The Action Plan will include short and long term goals, specific steps and strategies, and a timeline for their attainment/implementation starting during the 2014-2015 school year.

The High School Action Plan shall include a data-driven process for analyzing the plan's success on an annual basis until OCR closes the monitoring of this case. The process should be similar to the analysis used in the initial development of the plan. In July 2015 and annually thereafter until OCR closes the monitoring of this case, the Division shall implement that process and prepare a written analysis of the effectiveness of the High School Action Plan. Based upon the results of analysis, the Division shall consult with the consultant as necessary to modify the High School Action Plan for the coming school year to increase the enrollment of African American students in Advanced, AP, and DC courses in the Division's high schools.

Upon approval by OCR, the Division will publish the Action Plan on its website.

Reporting Requirement: By November 25, 2014, the Division shall provide for OCR's review and approval a copy of the proposed High School Action Plan.

Reporting Requirement: Within 60 days of OCR’s approval of the High School Action Plan, the Division will implement the Plan.

Reporting Requirement: By July 31, 2015, the Division shall provide a comprehensive analysis of the effectiveness of the High School Action Plan to date.

E. Division Office Administrator:

The Division will identify a Division office administrator who will address complaints from parents/guardians and students regarding the implementation of the Division’s Elementary and Middle School Plan and its High School Plan, and will publish this individual’s name and/or title, office address, e-mail address and telephone number on its website, and in all school publications.

F. Parental Engagement Plan:

The Division recognizes the pivotal role parents play in students’ educational success. The Division, in collaboration with the consultant shall develop a plan for increasing parental engagement at all grade levels. In developing the plan, the Division and the consultant will review all current Division and school-level policies related to parental involvement and analyze the information gathered through the parental surveys and forums, as well as any other recent relevant data. The Division and the consultant will consider, among other things, methods for increasing parental involvement in long-range planning for students’ academic careers, including educating parents regarding pathways for college and career readiness starting as early as the elementary level. Upon approval of the plan by OCR, the Division will publish the plan on its website.

The Division shall also hold at least one parent forum at each elementary, middle and high school site and at times convenient for parents. The forums shall include at a minimum:

1. A description of the benefits and opportunities available to students in GO, elementary and middle school Advanced Courses and High School Advanced, AP, and DC Courses;
2. Information regarding the identification/selection process for GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses, including information about the importance of early planning in the elementary and middle school years and the need to take certain prerequisite courses to prepare students for a successful transition into middle school Advanced Courses and high school Advanced, AP and DC Courses;
3. Information regarding the identification/selection criteria (such as test scores, teacher differentiation standards, etc.) for GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses, including when testing will be held;

4. The name(s) and contact information for the coordinators for GO, elementary and middle school Advanced Courses and high school Advanced, AP and DC Courses at the parent/guardian's respective school site and at the Division Office; and
5. Information regarding how to appeal decisions made regarding the identification and selection of students for GO.

The Division 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 the Division's GO Program, elementary and middle school Advanced courses and high school Advances, AP, and DC courses.

Reporting Requirement: By October 1, 2014, the Division shall provide for OCR's review and approval a copy of the proposed Parental Engagement Plan.

Reporting Requirement: Within 60 days of OCR's approval of the Parental Engagement Plan, the Division will implement the Plan.

Reporting Requirement: By September 30, 2014, the Division shall provide written confirmation that it has held 1 parent forums in each elementary, middle and high school in the Division.

Reporting Requirement: By September 30, 2014, the Division shall provide to OCR a written report regarding the parent forums, including the dates and locations of the forums, sign-in sheets, and notes regarding the information discussed.

G. Student Outreach:

After reviewing the recommendations of the consultant(s), the Division will determine whether changes are needed to its current outreach plan for elementary, middle and high school students regarding GO, middle school Advanced Courses and high school Advanced, AP and DC Courses. If not already being done as part of its targeted outreach plan, at a minimum, the outreach activities should include information about the need to take certain prerequisite courses to prepare students for a successful transition into middle school Advanced Courses and high school Advanced, AP and DC Courses, and peer presentations on a voluntary basis by available and interested African-American students enrolled in GO, middle school Advanced Courses and high school Advanced, AP and DC Courses regarding their experiences in such courses. The Division may consider and implement others actions not otherwise described in this Agreement in an effort to increase the enrollment of African American students in the Division's GO, middle school Advanced Courses and high school Advanced, AP and DC Courses, including outreach efforts to directly encourage African-American students to consider participation.

Reporting Requirement: By July 1, 2015, the Division will provide documentation to OCR demonstrating that the student outreach plan for elementary, middle and high school students was implemented.

H. Academic Counseling Services:

After reviewing the recommendations of the consultant(s), the Division will determine whether changes are needed to its current academic counseling services at the middle school and high school level. If not already being done as part of its academic counseling services, the Division will ensure that it provides all students, including African American students, with counseling that:

1. Informs each student of all available and relevant program and course options, including information on the need to take certain prerequisite courses to prepare students for a successful transition to middle school Advanced Courses and high school Advanced, AP and DC courses during individual counseling sessions; and/or during any group information sessions provided to students about high school enrollment and/or the college application process (group information sessions may include presentations by college admissions coordinators, principals, teachers of middle school Advanced Courses and high school Advanced, AP and DC Courses, and voluntary testimonials from interested parents/guardians and/or a diverse group of students enrolled in in such courses); and/or through written or digital materials.
2. Advises students of the significance given to middle school Advanced Courses, high school Advanced, AP and DC Courses and all of their course selections by colleges in the admissions process and of the opportunity to receive college credit for certain AP and DC courses; and
3. Encourages each student to enroll in programs or courses that are appropriately challenging for such student, which may include preparing the student for postsecondary level education and/or career readiness.

The Division will thereafter, until OCR closes the monitoring of this case, 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 middle school Advanced Courses and high school Advanced, AP and DC Courses.

Reporting Requirement: By July 1, 2015, the Division will provide to OCR documentation demonstrating that the academic counseling services were implemented during the 2014-2015 school year, including a description of how these services were provided to students.

I. Training:

After reviewing the recommendations of the consultant(s), the Division will determine whether changes are needed to its current training plan for relevant Division and school site administrators and personnel regarding GO, middle school Advanced Courses and high school Advanced, AP and DC Courses. If not already being done, any training plan will include, at a minimum:

1. A review of the enrollment demographics in GO, middle school Advanced Courses and high school Advanced, AP and DC Courses, by race, at each school site, including comparisons to the rates at other schools in the Division and the overall Division rate;

2. A presentation by an expert during the 2014-2015 school year, which may be the consultant(s), in best practices for identification/selection and retention of African American students for these programs;
3. Instruction on how to access the necessary information to identify and evaluate students for participation in these programs;
4. An overview of the identification/selection criteria for these programs;
5. An overview of parent/guardian and student outreach efforts regarding these programs; and
6. Information or instruction regarding other actions the Division may be taking in an effort to increase enrollment of African American students in the Division's GO, middle school Advanced Courses and high school Advanced, AP and DC Courses, including outreach efforts to directly encourage African American students to consider participation.

Reporting Requirement: By July 1, 2015, the Division will provide to OCR documentation demonstrating that it has provided training to Division personnel during the 2014-2015 school year, including: the name(s) and title(s) of the individual(s) who conducted the training; a list of the individuals who attended the training and their position, the date(s) the training was conducted, and copies of any training materials that were disseminated.

J. Data Analysis and Evaluation/Monitoring:

On an annual basis until OCR closes the monitoring of this Agreement, the Division will analyze data related to the identification/selection of students for GO, elementary and middle school Advanced Courses and high school advanced, AP and DC Courses each school year, to determine whether African American students were identified and selected at statistically significant lower rates when compared to their representation in the population of the respective school. If so, the Division will consider whether it is necessary to modify its Elementary and Middle School Plan and/or its High School Plan to increase the enrollment of African American students in GO, elementary and middle school Advanced Courses and high school advanced, AP and DC Courses .

Reporting Requirement: By September 30, 2014, and annually thereafter until OCR closes the monitoring of this case, the Division will provide to OCR the analysis of the identification/selection of students for GO, elementary and middle school Advanced Courses, and high school Advanced, AP and DC Courses. The analysis must include the number of students enrolled in the Division by race; the number of students who applied for, were selected for and were enrolled in GO, elementary and middle school Advanced Courses, and high school Advanced, AP and DC Courses; whether identification and selection were disproportionate to a statistically significant degree for African American students; and modification(s) the Division has taken to increase the enrollment of African American students in GO, elementary and middle school Advanced Courses, and high school Advanced, AP and DC Courses.

II. DISCIPLINE

The goal of the Division is to ensure that all Division students are provided schools that are safe and that create an environment that is conducive to learning. The fair and appropriate

implementation of student discipline policies grounded in research-based evidence is one means of attaining this objective. In addition, it is critical that students learn and are reinforced in appropriate behavior so that they are engaged in the Division's education program, rather than its disciplinary system. The Division is committed to implementing positive behavior supports and to reducing suspensions and expulsions to the extent possible.

A. Collaboration with Consultant

As noted above, the Division will enter into an agreement with a consultant to examine whether there are racial disparities in the administration of discipline and to make recommendations to the Division to address any such disparities. The consultant will, among other things: review Division disciplinary policies; conduct a longitudinal study of discipline data collaboratively with the Division; disaggregate disciplinary data in focus areas selected in collaboration with the Division; and provide technical assistance to the Division on making effective use of annual climate surveys. With input from the consultant, the Division will review and consider modifications to its discipline policies to achieve the purposes of this Agreement..

B. Preventative Strategies, Early Identification of At-Risk Students and Early Intervention

In collaboration with the consultant, the Division will develop and implement strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system. Such strategies will include, without limitation, the following:

Classroom Management and Behavior Support for Staff

The Division will encourage school staff to attempt a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students and/or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or the referral is required by law. The Division will offer annual training to all teachers within the Division on classroom management techniques. (See Section F.1.) In addition, the Division will ensure that teachers continue to have available to them appropriate resources and support in order to provide effective classroom management.

Rewarding Positive Behavior

The Division will have in place at every school a system for positively and appropriately encouraging and reinforcing appropriate student behavior. The Division will offer annual training to all teachers within the Division on rewarding positive behavior.

Supports for Struggling Students

If, after the corrective measures described by Section B.1 above have been implemented, a student is referred for discipline more than once in a school year for behavior that may result in a suspension or expulsion, the Division will provide one or more of the

following school-based supports to assist the student. These supports may include, but need not be limited to, the following:

1. Adult in-school mentoring;
2. Peer in-school mentoring;
3. Access to guidance counselors, student support staff, social workers or student advocates as appropriate;
4. Involvement of parents in the discipline process;
5. The development and implementation of a behavior support plan;
6. Assistance with learning appropriate behavior and developing self-management skills; and
7. Referral for educational services, where indicated and appropriate.

Until OCR closes the monitoring of this case, the Division will offer annual training to all teachers within the Division on providing supports for struggling students.

Reporting Requirement: By July 1, 2015, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will submit a report with supporting documentation demonstrating its full implementation of Section II.B of the Agreement.

C. Review and Revision of the Division’s Discipline Policies, Procedures, and Practices

1. In collaboration with the consultant, the Division will analyze its 2012-2013 and 2013-2014 discipline data by race/ethnicity. Based on this analysis, the Division will work in collaboration with the consultant to identify any possible improvements or revisions to existing disciplinary policies and procedures in the following areas:
 - a. Referrals for discipline;
 - b. In-school suspensions (ISS);
 - c. Out-of-school suspensions (OSS);
 - d. Referrals to alternative schools; and
 - e. Reports to law enforcement.
2. In collaboration with the consultant, the Division will review data on disciplinary infractions and sanctions, review policies and practices related to discipline, identify and review policies and practices used at schools within the Division and elsewhere where there are smaller or no disparities, and develop an implementation plan that will promote discipline equity and consistency.
3. The Division will consider whether revisions to its student discipline policies as necessary to fulfill the purposes of this Agreement. In doing so, the Division will take into account those proposed revisions developed with the assistance of the consultant. The Division will ensure that its student discipline policies are written and organized in such a way that they are easily understood by students, faculty/staff, and parents.
4. The Division’s student discipline policies will require that disciplinary authorities consider alternatives to expulsion, suspension or other sanctions that require removal from the education setting.
5. If any improvements are identified through the above described efforts, within the next calendar year after the completion of the review and revision of Division disciplinary

policies and practices discussed above, the Division will provide appropriate training to administrators and teachers and will publish the changes on its website.

Reporting Requirement: By November 3, 2014, the Division shall provide OCR a written report regarding the status of the comprehensive discipline review described in Section II.C of this Agreement. The report shall include a description of the data gathered and analyzed, preliminary and final conclusions that have been reached. If the work under Section II.C of this Agreement is not yet complete by the date of this submission, the submission shall include a detailed timeline for completion, including a proposed date for submitting a final report to OCR.

Reporting Requirement: Upon completion of the work in Section II.C of this Agreement, the Division will submit all proposed discipline policy changes to OCR for review and comment.

D. Discipline Supervisor

The Division will designate an employee to serve as the Division's Discipline Supervisor, and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in its code of student conduct, and in the notice the Division sends to parents annually.

The Discipline Supervisor shall be responsible for ensuring that the implementation of the Division's policies concerning discipline is fair and equitable. In addition, the Division will identify a Division office administrator who will address complaints from parents/guardians and students regarding the implementation of the Division's disciplinary policies, and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in its code of student conduct, and in the notice that the Division sends to parents annually.

Reporting Requirement: By May 31, 2014, the Division will notify OCR of the names of the individuals who have been designated as Discipline Supervisor and Division office administrator.

E. Outreach to and Input from Students, Division Staff and Community Members

1. School Climate Surveys

- a. In collaboration with the consultant, the Division will develop Climate Surveys for students, parents and teachers/staff to measure the perceptions of students and other members of the Division community in connection with the administration of school discipline, including perceptions of relationships among the school community members (teacher-student, teacher-parent, and student relationships), school safety and fairness and clarity of rules and behavioral expectations.
- b. Upon OCR's review and approval of the Climate Surveys, the Division will administer the Climate Surveys annually until OCR closes the monitoring of this case, and will encourage participation. The Division will provide to OCR a summary report of the substance of the responses, as well as the response

rate by students, parents and teachers/staff for each annual administration of the surveys.

2. Student Forums

Until OCR closes the monitoring of this case, and in order to raise awareness of discipline issues, each school in the Division will conduct an annual forum during regular school hours which specifically provides the opportunity for students to discuss with faculty and administrators any matters relating to discipline, including non-discrimination, and provide their input for any improvements in the Division's discipline policies. At least one individual with school-wide responsibility for discipline will attend each forum session. The Division will select an appropriate format for each session based on the age/grade levels of students and the particular needs of each school, e.g. classroom discussion, student focus groups, as long as each student is given the opportunity to participate in such a session at least annually until OCR closes the monitoring of this case (e.g., if a student body assembly format is used, it shall include time for small group breakout discussions that allow individual students a realistic opportunity to participate).

Reporting Requirement: By June 2, 2014, the Division will submit to OCR for review the proposed new Climate Surveys pursuant to Section E.1.a.

Reporting Requirement: By October 31, 2014, and until the monitoring of this Agreement is closed, the Division will submit to OCR documentation showing that its Climate Surveys have been administered, and a summary report of the substance of the responses as well as the response rate, pursuant to Section E.1.b.

Reporting Requirement: Within 30 days of the end of the semester in which the forum is conducted, and annually thereafter until the monitoring of this Agreement is closed, the Division will submit to OCR a report of each student forum session conducted pursuant to Section E.2, including the date/time/length and location of each session, a list of the faculty and staff attending, and estimate of the number of students attending the sessions, a description of how students were selected for the session, a summary of the concerns and suggestions expressed by students at each such session, and the Division's responses to the same.

F. Training

Staff Training

In collaboration with the consultant, the Division will develop training programs to be delivered annually, until OCR closes the monitoring of this case, to teachers and administrators within the Division. The format and delivery method of the training programs may vary depending on the nature and degree of the recipients' interaction with students and with the recipients' role in the disciplinary process. The training will take place prior to the beginning of each school year. The training must include the components listed below.

- a. The training will emphasize the Division's commitment to using the Division's discipline policies to ensure a safe and orderly educational environment and to ensure the fair treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
- b. The training will emphasize the other approaches and strategies for student development outside the disciplinary system.
- c. The training will include but not be limited to detailed explanations of the discipline code, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies may be justified, the documentation that must be used by all staff within the Division who make disciplinary referrals or impose disciplinary sanctions, evidence-based techniques on classroom management and de-escalation approaches, information on how to administer discipline fairly and equitably, resources that are available to staff who are having difficulty with classroom management, resources that are available to students to assist them in developing self-management skills, and the value of recognizing and reinforcing positive behavior supports and reducing suspensions and expulsions to the extent possible.
- d. The training will provide Division teachers and administrators with information concerning the circumstances under which incidents may and must be reported to law enforcement pursuant to section 22.1-279.3:1 of the Code of Virginia.

Student Training

In collaboration with the consultant, the Division will develop a training program to be delivered annually, until OCR closes the monitoring of this agreement, to all Division students that will explain the Division's discipline policies and what is expected of the students under those policies in an age-appropriate, easily understood manner.

- a. The training will emphasize the Division's commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions. The training will advise students of their right to appropriate due process protections in connection with any disciplinary action taken or proposed by the Division.
- b. The training will include but not be limited to detailed explanations of the discipline code, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, and the Division's commitment to implementing positive behavior supports and reducing suspensions and expulsions to the extent practicable.
- c. The training will emphasize not only the consequences and procedures associated with non-compliance with the disciplinary code, but also provide guidance and information regarding appropriate behavioral standards, including resources to assist in developing self-management skills.

Reporting Requirement: By February 2, 2015, the Division will submit to OCR for review a description with supporting documentation of the training programs developed by the Division in accordance with Section II.F.1 and II.F.2.

Reporting Requirement: By September 30, 2015, and until the monitoring of this Agreement is closed, the Division will provide OCR with the dates that training sessions were offered along with other outreach activities pursuant to Section II.F.

G. School Resource Officers (SROs)

Review of SRO Interventions and Practices

It has been and continues to be the Division's practice that SROs are not involved in recommending or making decisions about school discipline. The Division will make reasonable efforts to ensure that SROs act in a manner that is consistent with the Division's expectations and its discipline policies, including that SROs are not involved in recommending or making decisions about school discipline.

SRO Training

The Division will make a good faith effort to collaborate with the local police department that provides SROs to provide training to all Division SROs that will explain the role of the SRO in Division schools and the student discipline policies referenced in Section II.C. of this Agreement.

Reporting Requirement: By July 1, 2015, and annually thereafter until the monitoring of this Agreement is closed, the Division will submit to OCR for review a report of its compliance with Section II.G. of the Agreement.

H. Data Collection, Evaluation and Assessment, and Self-Monitoring

1. The Division will establish uniform standards for the content of student discipline files at all Division schools. The standards will be designed to ensure that the Division keeps accurate and complete records of all discipline incidents. To this end, the Division will develop and submit to OCR for review and comment a uniform Division referral form and a uniform Division disciplinary sanctions form at each school level to be used by all staff within the Division when imposing disciplinary sanctions. At a minimum, the forms will require the person using them to provide the following information:
 - a. the name or identification number of the student being referred for discipline;
 - b. the name or staff identification/employee number of the person making the referral;
 - c. the name or staff identification/employee number of the person determining the sanction;

- d. detailed information to explain the circumstances that led to the disciplinary referral, including the conduct and the setting (e.g., classroom, bus, cafeteria, hallway);
 - e. instructions to the referring staff member to describe the incident in terms of conduct and not in terms of the violation;
 - f. a description, which could be in the form of a checklist, of all approaches that were attempted immediately prior to the referral in order to address the behavior at issue prior to referral for discipline, if applicable;
 - g. the disciplinary sanction imposed or, if no sanction was imposed, the reason for that decision;
 - h. the violation(s) for which the sanction was imposed;
 - i. the justification, which could be in the form of a checklist, for the selection of the particular penalty;
 - j. the date the referral was made or the sanction was imposed; and
 - k. attempts to contact parents and/or guardians.
2. The Division will collect and evaluate data regarding all referrals for student discipline, the imposition of disciplinary sanctions, and suspension and expulsion at all Division schools. The data collected will include, but not be limited to, the following:
- a. The name/identification number, race/ ethnicity, and grade level of each student referred for discipline;
 - b. For each referral, the race/ethnicity and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
 - c. A description, which could be in the form of a checklist, of all approaches that were attempted immediately prior to the referral in order to address the behavior at issue prior to referral for discipline, if applicable;
 - d. A detailed description of the misconduct (in the comment field);
 - e. The date of the referral;
 - f. The specific Code violation for which the referral was made;
 - g. The referring staff member (by staff identification/employee number);
 - h. The school and type of class from which the referral was made or other specific settings (e.g. bus referral, hallway referral);
 - i. Whether the student’s parent/guardian was contacted;
 - j. The prior disciplinary history of the student;
 - k. (If different from f., above) The specific Code violation, if any, for which the student was punished and the penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the reason why;
 - l. The outcome of the manifestation hearing determination, if applicable;
 - m. The date the penalty/sanction was imposed;
 - n. The length of the penalty/sanction (in number of days);
 - o. The staff member who assigned the penalty/sanction (by staff identification/employee number);
 - p. Whether the student was transferred to the alternative school or to a different school site;

- q. Whether the school administrator reported the incident to school-based or local law enforcement;
- r. Whether the report to law enforcement was mandatory;
- s. Whether, to the Division's knowledge, the student was arrested by law enforcement as a result of the school-based or local law enforcement involvement;
- t. Whether an SRO removed a student from the school setting, regardless whether the student was referred for school discipline, and whether the SRO was involved in any way in recommending or making decisions about school discipline;
- u. Any other non-punitive outcomes arising out of each referral incident that were related to the decision whether and to what extent to impose discipline, including but not limited to, referral for homebound services, disability evaluation;
- v. Whether the student was given access to appropriate due process procedures in connection with the penalty/sanction, including but not limited to being given the opportunity to present his or her version of events and/or an explanation for their conduct prior to the imposition of sanctions, and whether, when, and how their parents were contacted in connection with each referral incident.

Reporting Requirement: By October 31, 2014, the Division will submit to OCR documentation of its implementation of Section II.H, including a sample of its newly-designed referral form and any other recordkeeping systems.

Reporting Requirement: By July 31, 2015, and annually thereafter until the monitoring of this Agreement is closed, the Division will create an annual report for submission to OCR for the duration of the monitoring of this Agreement that summarizes the information collected under Section II.H of this Agreement and assesses whether the Division is implementing its student discipline policies in a non-discriminatory manner. The assessment will include an evaluation of whether any action by an SRO was inconsistent with the Division's expectations, its discipline policies, and Title VI. If the Division determines an SRO's involvement within a school setting was inappropriate, it will promptly take reasonable steps to remedy any adverse effects to the affected student or students within the school setting.

Revisions to this agreement must be mutually agreed upon by the Division and OCR. Any mutually agreed upon revisions must be set forth in writing. OCR and the Division will work collaboratively to resolve any concerns about the implementation of this agreement. The Division 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 Division understands that during the monitoring of this agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this agreement and is in compliance with Title VI and the regulation implementing Title VI, at 34 C.F.R. part 100, which were at issue in this case. Prior to the conclusion of the monitoring of this agreement by OCR, the Division must prove to OCR's satisfaction that any remaining racial disparities in the identification/selection the administration of discipline are not the result of unlawful discrimination.

