

RESOLUTION AGREEMENT
Colonial School District
OCR Compliance Review Number 03-23-5001

The Office for Civil Rights (OCR) of the U.S. Department of Education and the Colonial School District (the District) enter into this Resolution Agreement (Agreement) to resolve OCR Compliance Review 03-23-5001. The District submits this Agreement to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

In order to address the concerns identified in OCR Compliance Review 03-23-5001, the District agrees to the following items:

ACTION ITEMS

I. Record-Keeping System

- A. By August 1, 2024, the District will institute a record-keeping system to identify the number of students with disabilities who participate in the High School's Advanced Placement (AP) course offerings, including documenting the number of students with disabilities in each AP course beginning with the 2024-2025 school year. The system will also identify the overall number of students with disabilities enrolled in the District, and the number and percent of students with disabilities enrolled in each individual AP course.
- B. By August 1, 2024, the District will institute a record-keeping system to ensure consistency and accuracy in the data reported to OCR's Civil Rights Data Collection (CRDC).

Reporting Requirement:

- 1. By September 30, 2024, and July 1, 2025, the District will provide OCR with documentation identifying the number of students with disabilities who participate in the High School's AP course offerings, pursuant to Action Item I.A, above.
- 2. By September 30, 2024, the District will provide OCR with a written description of the steps it has taken to ensure consistency and accuracy of the data reported to the CRDC and documentation of its newly developed record-keeping system, pursuant to Action Item I.B, above.
- 3. Within 30 days of submitting enrollment data to the CRDC, the District will provide OCR with documentation showing that the data reported to the CRDC is consistent with the data collected by the District in Action Item I.A., above.

II. Review and Assessment

By August 15, 2024, the District will complete a review and assessment of its AP course offerings at the High School for the 2023-2024 school year and develop recommendations for increasing the participation of students with disabilities. As part of its review and assessment, the District will consider the following factors:

- a. Enrollment data, including trend data (i.e., student enrollment data for each AP course, by disability status and grade);
- b. The AP course offerings at the High School;
- c. Parent and student input;
- d. The impact of:
 - i. The role of prerequisite courses, and teacher recommendations in student enrollment in AP courses;
 - ii. Placement level in the freshman year of High School on student participation in AP course offerings;
 - iii. Any District enrollment, registration, or other policies and procedures related to enrollment in AP courses;
 - iv. Communication and outreach to students and parents/guardians about AP courses;
 - v. Advertisement of AP courses to students and parents/guardians;
 - vi. The role of teachers in making recommendations for student enrollment in AP courses;
 - vii. The role of guidance counselors in making recommendations for student enrollment in AP courses;
 - viii. The role of the multidisciplinary team members in Individual Education Plan (IEP) and/or Section 504 meetings in making recommendations for student enrollment in AP courses; and
 - ix. Support services for students enrolled in AP courses or preparing to enroll in them.
- e. Whether adjustments to its AP course enrollment practices would increase enrollment of students with disabilities, including the automatic enrollment of any student with a C grade or higher in the relevant subject matter AP course, to be discussed and finalized with the counselor during course selection meetings.

Reporting Requirements:

1. By September 30, 2024, the District will submit documentation to OCR showing the results of its assessment, its recommendations and the documents relied upon in conducting the assessment and developing recommendations, for OCR review and approval.
2. Within 60 days of OCR’s approval of the District’s recommendations, the District will begin implementing the recommendations.
3. By July 1, 2025, the District will report to OCR regarding the implementation of its recommendations.

III. Outreach and Communications

- A. By September 9, 2024, the District will continue to update the information provided on its AP and Honors Classes webpage, provide notice to all parents and guardians of students in grades 8 through 11 of the availability of AP courses, and will provide contact information for appropriate District staff to contact if parents or guardians are interested in learning more about the High School’s AP course offerings.
- B. By September 9, 2024, the District will review its communications with students and parents, including students with disabilities and their parents, regarding the availability of AP courses. The District will develop a protocol for ensuring that all students in grades 8 through 11 and their parents are provided with notice on the availability of AP courses, how to enroll in these courses, and the significance given to AP courses by colleges in the admissions process.

Reporting Requirements:

- 1. By September 30, 2024, the District will provide OCR with a copy of the notice that it issued pursuant to Action Step III.A, as well as a written narrative explaining how the notice was distributed.
- 2. By September 30, 2024, the District will provide OCR with a detailed written narrative explaining how it complied with the requirements of Action Step III.B, including providing OCR with any relevant documentation.

IV. Academic Counseling Services

- A. By September 9, 2024, the District will complete an evaluation of its academic counseling services at the Middle School and High School levels and make changes, as necessary, to ensure that students with disabilities receive counseling that:
 - 1. Informs each student of available AP course options;
 - 2. Allows each student to meaningfully consider enrollment in AP courses; and
 - 3. Advises students that they will continue to receive all special education and/or related aids and services to which they are entitled pursuant to an IEP, Section 504 plan, or similar disability-related plans, if they enroll in an AP course.
- B. As part of this evaluation, the District will consider automatic enrollment of all students with a C grade or higher in AP courses that correspond to the relevant subject matter, and the counselor’s role in discussing and finalizing the automatic enrollment during course selection meetings. The District will document its discussions and decision concerning automatic enrollment of students in AP courses as outlined above.

Reporting Requirements:

- 1. By September 30, 2024, the District will submit documentation to OCR showing the results of its evaluation, its recommendations and the documents relied upon in conducting the evaluation and developing recommendations, for OCR review and approval.

2. Within 60 days of OCR’s approval of the District’s recommendations, the District will begin implementing the recommendations.
3. By July 1, 2024, the District will report to OCR regarding the implementation of its recommendations.

V. Training

- A. By November 30, 2024, the District will provide training to all Middle School and High School guidance counselors and teachers regarding the eligibility requirements for AP courses, and the importance of inclusion of students with disabilities in AP course enrollment. The training will provide guidance on non-discriminatory factors to consider when making recommendations to students and/or guardians regarding AP course enrollment.
- B. By November 30, 2024, the District will provide training to all special education staff regarding the importance of ensuring equal access to AP courses for students with disabilities, and the responsibility of special education staff to ensure that multidisciplinary team meetings include a discussion of high rigor course access.
- C. The District will assess the effectiveness of the training referenced in Action Step V.A and B above by conducting surveys of staff who attended each training. The surveys will inquire with staff whether they understand the importance of inclusion of students with disabilities in AP course enrollment, their role in ensuring the inclusion of students with disabilities in AP course enrollment, and their responsibility for discussing high rigor course access during IEP and/or 504 Plan meetings. Following these assessments, the District will determine whether additional training is needed.

Reporting Requirement:

1. By January 14, 2024, and July 1, 2025, the District will provide OCR with documentation demonstrating that the required training has been delivered to all Middle School and High School guidance counselors, special education staff and teachers, including: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and schools of the individuals who attended the trainings.
2. Within 45 days of the trainings held pursuant to Action Step V.A and B above, the District will provide OCR with documentation of the results of the surveys and a description and dates of implementation of any actions the District proposes to take in response, including additional training sessions. By March 3, 2025, the District will provide OCR with documentation of any action(s) taken as a result of the survey results.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement. The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: /s/
Dr. Janissa Nuneville, Director of Secondary Schools

Date: 7-15-2024