

Communications Department

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## OCR Resolution Agreement Summary

The Wake County Board of Education is pleased to announce the resolution of two complaints filed simultaneously in 2010 with the US Department of Education's Office of Civil Rights (OCR). The complaints addressed two topics: student assignment and student discipline.

The student assignment allegations were based on a 2010 decision of five Board members (none of whom is still on the Board) to remove socio-economic diversity as a consideration in student assignment. Following a changeover in Board members, the Board reinstated diversity considerations in its student assignment policy and asked OCR to dismiss this portion of its investigation. We have now been informed that OCR will issue a letter closing its student assignment investigation with no findings against the school district and with no requirement that the district take further actions in this area.

In addition, the Board is pleased to announce that it has entered into a "Voluntary Resolution Agreement" to resolve the student discipline allegations that were filed against the school system over eight years ago. The complaint alleged that racial disparities in student suspensions and law enforcement referrals violated Title VI of the Civil Rights Act of 1964, as amended. It was based on a "disparate impact" theory and did not allege that these disparities were the result of intentional discrimination.

In approving this Resolution Agreement, OCR has not found that WCPSS has violated any laws, and the Agreement specifically acknowledges, in general terms, the "many voluntary and proactive steps" the district has taken to "implement policies, procedures and practices designed to promote fair and equitable discipline practices." More specifically, these measures include the following:

- Multiple revisions to student discipline policies to reduce suspensions across the board and to underscore the district's commitment to fairness and equity at all levels of the disciplinary process.
- Creation, expansion, and ongoing implementation of a district-wide "Comprehensive Plan of Action for Equitable Discipline" organized around precepts identified by OCR in its 2014 guidance on equitable school discipline. The Comprehensive Plan tracks dozens of past, present, and future actions designed to promote fair and equitable discipline practices and reduce discipline disparities.
- Creation of the Office of Equity Affairs, whose work has included such efforts as the development of a district-wide "Equity Plan"; provision of one-on-one "equity coaches" to problem-solve equitable discipline challenges at the school level; and the creation and dissemination of staff "learning modules" on matters such as understanding and eliminating discipline disparities and developing and using culturally responsive teaching strategies.



- Expansion of the Office of Equity Affairs to include three new director-level positions, one of which will provide further, targeted support for equitable discipline practices such as restorative justice programs and classroom management techniques that promote “discipline with dignity.”
- Expansion, ongoing implementation, and staff training in research-based non-disciplinary interventions such as “Multi-Tiered Systems of Support” (MTSS) and “Positive Behavior Interventions and Supports (PBIS) designed to reduce exclusionary discipline.
- Creation of an “Equity Collaborative” staffed by multiple school system representatives whose work has resulted in dramatic reductions in discipline disparities at targeted middle schools.
- Expansion of the use of peer mediation and restorative justice circles as alternatives to exclusionary discipline.
- Incorporation of cultural competency training into professional development programs for teachers.
- Establishment of a “Community Equity Leadership Team” composed of school system representatives and community advocates to problem-solve equity-based challenges, along with other forms of community outreach.
- Creation of a “Beyond Diversity” seminar to provide school and district leaders with strategies and tools for interrupting systemic inequity in schools and classrooms.
- Participation of Student Support Services staff in “Racial Equity Institute” trainings.
- Development of a comprehensive Memorandum of Understanding with every local law enforcement agency providing School Resource Officers (SROs) in WCPSS schools to define their roles and help avoid unnecessary referrals to law enforcement for minor disciplinary issues.
- Development and expansion of an annual “SRO Summit” to offer guidance and training to SROs on such subjects as restorative justice, mental health referrals, and the role of SROs in maintaining safe and orderly schools.
- Systematic review and analysis of disaggregated suspension data to identify and address racial disparities at individual schools.

The resolution agreement “builds upon the district’s ongoing efforts” to promote fair and equitable student discipline and focuses on the following measures to be implemented during the 2018-2019 and 2019-2020 school years:

- Revisions to four disciplinary rules in the Student Code of Conduct to make them clearer, more objective, and less susceptible to implicit bias.
- Refinements to the district’s discipline data collection procedures to promote sophisticated data analysis of discipline disparities.



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- Ongoing implementation of the district's "Comprehensive Plan for Equitable Discipline Practices," which is already in effect.
- Provision of ongoing and supplemental staff training on specified matters related to fair and equitable discipline.
- Consideration of feedback from staff, students, parents, and community groups on fair and equitable discipline practices.
- Annual self-evaluations of the effectiveness of the district's effort to ensure non-discriminatory discipline practices.

In light of this Resolution Agreement, OCR's investigation is closed, subject only to the district's provision of evidence during a "monitoring period," which ends in February 2021, that the agreed-upon actions have been taken.

The principles and actions set out in this Resolution Agreement build on the district's ongoing efforts and have the full and unequivocal support of the Board of Education, the Superintendent, the Superintendent's leadership team, and school-based and central office staff systemwide. As WCPSS has long recognized, there is no "easy answer" to the widespread racial disparities in student discipline data that have been observed in Wake County and across the country. While the district is pleased that this investigation is now closed, we harbor no illusions that this represents an end or even a resting place on our journey. Our work is ongoing, and our commitment remains firm. Together, as a school system and as a community, we will continue to research, to collaborate, to probe our data, and to ask hard questions about these difficult and sometimes uncomfortable issues. Though the way forward is not always obvious and requires constant dedication and hard work, the goal is clear and simple: consistent fairness and equity for every student in Wake County, without regard to race. Our students deserve no less.