

**December 14, 2012 Office of Civil Rights (OCR) Letter To Christiana School District
Major Determinations**

Discipline Investigation: 2007/2008, 2008/2009, 2009/2010, school years Case No. 03-10-5001

Summary and Conclusion: Based on this investigation OCR concludes that the District discriminated against African American students by disciplining them more frequently and more harshly than similarly situated white students in violation of Title VI that prohibits discrimination on the basis of race, color or national origin. (Pages 1, 18)

The District permitted **decision makers** to apply penalties in excess of the provisions in the Student Code of Conduct. The District's policies and practices afforded decision makers broad discretion.....which contributed to the resulting disparities. (Pages 2 and 18)

There were **extraordinary disparities in referrals for disciplinary action to law enforcement.** (Page 3)

A review of 1600 (student) files revealed that less than half of the files indicated that students were actually given the opportunity to tell their side of the story before the penalty was assigned. (Page 6)

There was little or no documentation of information that was given to parents regarding the discipline of their children. (Page 7)

African American children were disproportionately suspended out of school in all three years District wide and at each school level. (Page 9)

Specific individual examples of different treatment were found at the elementary, middle and high school levels. The examples covered a wide range of conduct, including cutting class, smoking, using foul language, engaging in unsafe horse play during science lab, pulling fire alarms, aggressively touching another student or a teacher, making a bomb threat, and having a box cutter or small knife. (Page 12)

Schools located in the City of Wilmington, Del (Bancroft ES, Elbert Palmer ES, Stubbs ES, Pulaski ES and Bayard MS) accounted for a significant portion of the harsher penalty assignments made for the highly subjective categories of inappropriate behavior and disruption of the educational process. (Page 17)

Legal Analysis: Disciplinary policies and practices have not been applied consistently with regard to race. Furthermore, the District has not provided legitimate, non discriminatory reasons for the harsher treatment. (Page 18)

African American students were disproportionately referred for discipline, suspended and referred to law enforcement compared to white students to a statistically significant degree. (Page 18)

Source: December 14, 2012 letter to Dr. Freeman Williams from OCR. Information Extrapolated and presented by Mr. Jea P. Street, March 15, 2013

Resolution Agreement Between the Office of Civil Rights (OCR) and Christina School District under the agreement the Christina School District is required to:

- A. Hire a consultant to review District policies
- B. Implement strategies for student development outside of the disciplinary system.
 - 1. Classroom management and behavior support for staff.
 - 2. Reward positive behavior.
 - 3. Provide support for struggling students.
- C. Revise discipline policies including referrals for discipline, in school and out of school suspensions, expulsion and referrals to law enforcement.
- D. **Hire a Discipline Supervisor and identify a District office administrator to address complaints and provide training for administrators.**
- E. Provide outreach to and gather input from students, district staff and community members.
- F. Training
 - 1. Staff
 - 2. Student
 - 3. Information and programs for parents.
- G. Provide notice to parents about discipline.
 - 1. Post discipline data by race on the District website.
- H. Review use of SRO's, police officers, in discipline.
 - 1. Review every instance during the school year in which police become involved in discipline.
 - 2. Provide training for SRO's.
 - 3. Make good faith effort to collaborate with local and state police.
- I. Data Collection and self monitoring.
- J. Requests for redress/correction.

With respect to individual cases of different treatment provided by OCR to the District, the District will:

- 1. Correct records.
- 2. Offer to provide **compensatory academic services** to those students enrolled in the District during school year 2012/2013 who had out of school suspensions **for five days or longer and had their records corrected.**