

Ensuring Equal Access to Educational Resources & Compliance with Open Meeting Law

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Ensuring Students Have Equal Access

- U.S. Dept. of Ed., Office for Civil Rights (“OCR”) Dear Colleague Letter dated October 1, 2014 on **ensuring students have equal access to educational resources** without regard to race, color, or national origin
- What Federal law requires
- How OCR investigates resource disparities
- What schools can do to meet our obligations to all students

What Federal Law Requires

- Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin
- Schools must not **intentionally** treat students differently on these bases in providing educational resources
- Schools must not implement policies or practices for providing educational resources that **disproportionately affect** students of a particular race, color or national origin
 - Unless such policies/practices are educationally necessary and there are no alternatives that can achieve the same goals with less adverse effect

How OCR Investigates

- OCR investigates complaints and initiates compliance reviews to determine whether allocation of educational resources is discriminatory
 - Reviews quantitative and qualitative differences in access to programs, strong teaching, facilities, technology, instructional materials, and other resources
- Considers ongoing efforts to improve resource equity, including improving data transparency, developing new educator support systems and equity plans, and transitioning to new standards and assessments

How OCR Investigates

- Schools working proactively and effectively to identify and address causes and effects of disparities in resource allocation based on race, color, or national origin less likely to be in violation and more likely to find and remedy an issue without OCR involvement
- OCR will compare resources allocated across schools and districts, to measure relative allocation of equal educational opportunities for students.

How OCR Investigates

- Provision of equal opportunities **may require differences in funding depending on location, condition of facilities, and particular needs of students** such as English language learners and students with disabilities
 - Straight funding comparison is not conclusive of whether a violation has occurred
- OCR investigations focus on scope and severity of resource disparities and whether policies and practices are helping or hindering
 - Districts or schools with significant racial disparities in a particular resource, or that display patterns of such disparities across resources, are more likely to be found in violation

Examples

- Examples of Educational Resources and Measures OCR May Consider:
 - Courses, Academic Programs, and Extracurricular Activities
 - Pre-K, Gifted and Talented, College-Prep, A.P., I.B., Arts and Athletics
 - Teachers and Leaders
 - Strong teachers and leaders measured by effectiveness data, turnover, absenteeism, vacancies, licensure, certification, training professional development, inexperience, out-of-field status, and other similar indicators

Examples

- Examples of Educational Resources and Measures OCR May Consider (cont'd):
 - Technology and Instructional Materials
 - Access to educational technology such as laptops, tablets, internet access, and **instructional materials** such as library resources, textbooks, calculators and digital materials

What Districts and Schools Can Do

- Use data to proactively and periodically assess policies and practices to ensure equal access
 - SIMAR
- Use data and analysis to ensure the “poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers,” pursuant to the Elementary and Secondary Education Act (HR)

What Districts and Schools Can Do

- **Designate an employee to coordinate Title VI compliance** and resource equity self-assessments and review policies governing how resources are distributed to and within schools
- **Evaluate access to resources across and within schools** and take prompt, effective steps to eliminate any unjustified inequities, and prioritize resources for schools and students most in need
- **Notify parents, students, and community members of avenues to raise concerns about resource access**, and engage teachers, staff, associations and other stakeholders in addressing inequities

What Districts and Schools Can Do

- Take proactive steps to **identify disparities** in access to resources across and within schools, and to **address those inequities**

Dear Colleague Letter

- www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf
- Additional sources of technical assistance:
 - www.ed.gov/ocr/resourcecomparability.html

Arizona Laws Governing Curriculum Adoption

- A.R.S. 15-721 (F)(2) The governing board shall: . . . Require that all meetings of committees authorized for the purposes of textbook review and selection be open to the public as prescribed in title 38, chapter 3, article 3.1.
- Section 38-431 et seq., Arizona's Open Meeting Law ("OML")

Arizona Laws Governing Curriculum Adoption

A.R.S. 15-722:

A. The governing board shall approve for high schools the course of study and all units that are recommended for credit under each general subject title before implementing the course.

B. The governing board shall approve for high schools the basic textbook for each course and may purchase the textbooks from the publishers if approved by the governing board. Before the approval of any basic textbook for high schools, the governing board shall do all of the following:

Arizona Laws Governing Curriculum Adoption

A.R.S. 15-722(B) (cont'd):

1. **Provide information on the school district's website**, if the school district maintains a website, on the basic textbooks that are **proposed for approval**.
2. **Require that all meetings of committees** authorized for the purposes of textbook review and selection **be open to the public** pursuant to title 38, chapter 3, article 3.1. [OML]

Arizona Laws Governing Curriculum Adoption

A.R.S. 15-722(B) (cont'd):

3. **Provide an opportunity for public comment for at least sixty days.** Public comment may include written comments, oral comments and comments submitted through e-mail.
4. **Make available at the school district office for review by the public, for a period of at least sixty days** prior to the formal selection of the textbooks, a copy of each textbook that is being considered for selection.

Arizona Laws Governing Curriculum Adoption

A.R.S. 38-431.01, Meetings Shall Be Open to the Public:

A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to **attend** and **listen** to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

Minutes:

B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:

Arizona Laws Governing Curriculum Adoption

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material.

Arizona Laws Governing Curriculum Adoption

A.R.S. 38-431.01 (D), Minutes:

D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting

A.R.S. 38-431.01 (H), Public comment permitted, but not required:

Arizona Laws Governing Curriculum Adoption

A.R.S. 38-431.02(A): Public notice of all meetings of public bodies shall be given as follows: . . .

2. The public bodies of the counties and school districts shall:

(a) Conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

Arizona Laws Governing Curriculum Adoption

A.R.S. 38-431.02(A)(2) (cont'd): Public notice of all meetings of public bodies shall be given as follows:

(b) Post all public meeting notices on their website and give additional public notice as is reasonable and practicable as to all meetings.

Discussion/Questions
