



Empowerment, Education, Accountability

Gwinnett STOPP U.S. Department of Education Office of Civil Rights IE² Complaint Summary

Gwinnett County Public Schools' Investing in Educational Excellence Partnership (IE²) Contract is discriminatory against Students with Disabilities (SWD) and English Language Learners (ELL), and students by race.

Performance objectives that allow freedom from 14 state laws are dependent upon different performance benchmarks segregated by race. The methodology used to establish increased performance targets over a five-year period is discriminatory for each subgroup of students defined in the contract because it compares subgroups against themselves. However, SWD and ELL students are held to separate flattened performance targets. The effects of this contract will maintain and possibly widen the existing achievement gaps for these students. Because of the term of this contract the effects will be ongoing through the 2013-2014 school year with an auto-renewal clause for five additional years.

Description of Gwinnett County Public Schools

Gwinnett County Public Schools (GCPS) is the largest school system in Georgia serving pre-kindergarten through grade-12 students 159,482 studentsⁱ enrolled. Approximately eleven percent (17,603) of the student population qualified for special education during the 2010-2011 school yearⁱⁱ. The major racial subgroups for the 2010-2011 school year are as follows: 39,882 Hispanic students 45,964 black students, 16,399 Asian students and 50,428 white students³. The number of students qualifying as English Language Learners (ELL) has more than tripled since 2001⁴ reaching fifteen percent for the 2008-2009 school year⁵.

What is IE²?

The Investing in Educational Excellence (IE²) legislation, HB1209, was signed by Governor Perdue and approved during the 2008 session of the Georgia Legislature. By 2015, each of the 180 school districts is required to "opt in" or "opt out" of this legislation. If you "opt out", a district's ability to obtain educational waivers from the Georgia Department of Education (GDOE) rules is significantly restricted.

GCPS pursued an IE² contract with the Governors' Office of Student Achievement (GOSA) and the GDOE. The role of these three educational entities is to negotiate a contract, which includes accountability for each school within the district that exceeds the No Child Left Behind (NCLB) requirements in exchange for flexibility across educational rules established by the state department of education supporting Georgia law.

Why is Gwinnett's plan discriminatory?

Violates Section 504, Title II ADA, Title VI of the Civil Rights Act of 1964, Title 34, IDEA, and NCLB.

Utilizing an achievement measurement that only compares like students to themselves is inherently discriminatory for all students but particularly those in protected classes. The alternative methodology that is used to establish different performance targets for SWD and ELL subgroups establishes the discriminatory practice which will continue for a minimum of five years based on the approved GCPS IE² contract. By utilizing this alternative methodology, GCPS treats these groups of students differently than their peers and denies them access to the benefits of the IE² accountability system.

As in *McLaurin v. Oklahoma Board of Regents of Higher Education (1950)*, Gwinnett County Public Schools and the Georgia Department of Education expect students of color to enter the same building yet sit at separate academic tables. Different academic standards for subgroups amount to state-sponsored segregation in public schools, which is counter to Title VI of the Civil Rights Act of 1964. The academic achievement gap that the IE² contract purports to close will never happen. This would effectively serve to deny all students an educational benefit.

For students to achieve equal benefits, education reforms need to be "equally effective". They must afford all students an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as other students. By establishing different targets for performance for SWD and ELL, and comparing subgroups to themselves, denies students the opportunity to achieve the same benefits. Students of color will not have the opportunity to achieve at the same academic levels of their white and Asian peers. SWD have less rigorous objectives; the expectations are much lower.

What are the remedies sought?

Gwinnett SToPP requests that the Office of Civil Rights require Gwinnett County Public Schools to go back, evaluate and correct the established goals, as well as create new goals for Students with Disabilities and English Language Learners in line with the pattern of goals for other subgroups. We also request that all race subgroups' performance baselines and comparisons be developed in a non-discriminatory manner.

We further request that all members of the following decision-making entities from Gwinnett County Public Schools and the GDOE receive training regarding each of the civil rights laws associated with this complaint: Section 504, Title II ADA, Title VI of the Civil Rights Act of 1964, Title 34, IDEA, and NCLB. The decision-making entities are as follows:

- a. All GCPS school board members and Area Superintendents
- b. All GDOE school board members
- c. State and district staff and officers - Office of Accountability Staff
- d. State and district policy division leaders
- e. Dr. Steve Flynt, Associate Superintendent, GCPS
- f. Alvin Wilbanks, Superintendent, GCPS

In addition, the following remedies are sought:

1. The IE² contract performance outcomes published on the GCPS and GDOE website in a timely manner.
2. Findings and outcomes of this complaint published on the GCPS website and partnerships formed with community based organizations for the purpose of educating the public through community forums.
3. GDOE and GOSA to publicly monitor and publish any changes in existing IE² contracts based on changes in school populations or AYP subgroup accountability.
4. All 2009-2011 contract performance data published and readily accessible to the public by start of 2011-2012 school year.

ⁱ Georgia Department of Education, March 3, 2011 (FTE 2011-3) Full-time Equivalent (FTE) Data Collection System

ⁱⁱ Georgia Department of Education, 2010-2011 Special Education Annual Report Total Enrollment

³ Georgia Department of Education, March 3, 2011 (FTE 2011-3) Full-time Equivalent (FTE) Data Collection System

⁴ Gwinnett County Public Schools IE² Partnership Contract Strategic Plan

⁵ Georgia Department of Education, 2008-2009 Adequate Yearly Progress Report District Profile