

**Kentucky Department of Education
OCR Docket No. 03-04-1058**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Kentucky Department of Education (KDE) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability by KDE. KDE assures OCR that it will take the following actions to comply with the requirements of with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100 which prohibit discrimination on the bases of race, color and national origin by recipients of Federal financial assistance.

ACTION STEPS

1. Effective September 15, 2017, KDE will discontinue all activities related to the enrollment of students in the Administrative Leadership Institute (ALI)/Principalship Program and the Minority Educator Recruitment and Retention Scholarship (MERRS) programs, including recruitment and tendering scholarship offers for the 2017-2018 academic year to any student who has not been selected as a participant of the programs as of September 15, 2017. The terms "selected as a participant" or "participant" shall mean any individual who, prior to and including September 15, 2017, was previously enrolled in either the ALI or MERRS program or who has been selected to participate in the ALI or MERRS programs, and to whom his or her respective university or college has sent written confirmation of the student's selection for and acceptance of participation in either program, regardless of whether all documentation, including but not limited to promissory notes, have been fully executed or finalized.
 - a. By September 15, 2017, KDE will issue a memorandum to all administrators and staff involved in the implementation of the ALI and MERRS programs that the programs are being discontinued.
 - b. By September 15, 2017, KDE will provide notification to the scholastic coordinator of each participating university or college or other person designated by a participating university or college who coordinates participation in the ALI or MERRS programs of the elimination of the programs, so that each respective university or college may notify all existing ALI or MERRS program participants regarding the elimination of the programs.
2. Nothing herein precludes the KDE from continuing to fund ALI or MERRS for students who were already participating in or who were selected as participants prior to September 15, 2017, so long as sufficient funds are available as appropriated by the Kentucky General Assembly to KDE.
3. OCR agrees that KDE may continue funding the ALI or MERRS programs for any student who was already participating in or who was selected as a participant in the ALI or MERRS

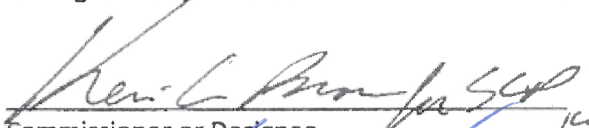
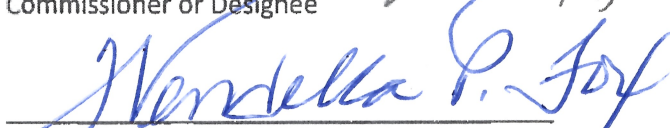
programs as of September 15, 2017, through the date of the student's graduation from a postsecondary education institution, or through the date of the student's eligibility to continue to participate in the ALI or MERRS programs based upon the written terms of eligibility, as those terms existed on May 4, 2017.

Reporting Requirements:

- By September 30, 2017, KDE will provide OCR with documentation demonstrating that it has discontinued the ALI and MERRS programs, and this documentation will include, but not be limited to, a copy of the memorandum as it was sent, the names/titles of the recipients, and an explanation as to how the memorandum was disseminated.
 - By September 30, 2017, KDE will report to OCR, by institution, the following information regarding each student who is participating in either the ALI or MERRS program during the 2017-2018 academic year, which the KDE is authorized to release to OCR pursuant to 34 C.F.R. § 100.6(b) and (c), and 34 C.F.R. § 99.31(a)(3)(iii): name or unique identifier, race/ national origin, whether a new or returning student, date selected for the program, amount of the financial aid provided, and the anticipated date of graduation.
 - By September 30, 2017, KDE will report to OCR the date and means by which the scholastic coordinator of each university or college notified each participant in the ALI or MERRS programs of the elimination of the programs.
4. At the KDE's request, OCR may provide technical assistance regarding the development of programs that comply with Title VI.

KDE understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including to enforce the Agreement, OCR shall give KDE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of KDE's representative below.

 Commissioner or Designee	<u>9-14-17</u> Date
 U.S. Department of Education, OCR Philadelphia Office Director	<u>9/14/17</u> Date