

RESOLUTION AGREEMENT

Between the Mt. Diablo Unified School District and the U.S. Department of Education's Office for Civil Rights

OCR Case Number 09-09-5001

BACKGROUND

1. The U.S. Department of Education, Office for Civil Rights (OCR) initiated a compliance review of the Mt. Diablo Unified School District (District) in order to investigate whether the District has denied equal educational opportunities to national origin language minority students in its schools.
2. Title VI of the Civil Rights Act of 1964, 42, U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. pt. 100 provide, in relevant part, that no program or activity receiving Federal financial assistance from the Department of Education may discriminate on the basis of race or national origin.
3. Under Article III, section 302, and Article V of the OCR Case Processing Manual, OCR has the authority to resolve compliance reviews by means of a resolution agreement before the conclusion of the investigation when the recipient expresses an interest in such a resolution.

PURPOSE AND JURISDICTION

4. The District is subject to Title VI because it receives Federal financial assistance from the Department of Education.
5. The District agrees to the terms of this Agreement to Resolve and agrees to comply fully with its provisions.

SPECIFIC REQUIREMENTS

6. By December 1, 2013, the District will post the approved version of the Master Plan on the District website.
7. The District will ensure that its implementation of all parts of the Master Plan comports with the requirements of Title VI and its implementing regulation. The District will ensure that its program for EL students provides English language services and instruction to all EL students in all educational settings, including special education, and will ensure that all EL students obtain English language services and instruction, including appropriate placement of all ELL students into the EL programs set forth in the Master Plan. The District will ensure that students receive EL program services until they meet the District's criteria to reclassify as fluent English proficient.

If the District deviates from its established English learner program in providing English language services for an individual student, the District will document why the EL student is not provided services in accordance with its Master Plan.

8. The Master Plan will be fully implemented at all District schools by September 1, 2014. Prior to that date, the District will implement the Master Plan pursuant to an implementation schedule that the District will provide to OCR by December 31, 2013. The schedule will describe any areas of the Master Plan that will not be fully implemented by December 30, 2013, and the steps the District will take to ensure full implementation by the date set forth above. The schedule will also include a description of steps to be taken, including in-service training to teachers and administrators, to ensure that EL students receive English language development instruction, and differentiated access to core curriculum instruction, pending full implementation of the Master Plan.
9. By September 1, 2014, the District will develop a Catch-up Intervention Plan, as required in Chapter 3 of the Master Plan, for each student who has not met District benchmarks for progress toward reclassification, including all long-term English learners, as defined in the Master Plan. Each Catch-up plan will include a determination as to whether the student requires compensatory services, provide a description of the compensatory services that will be offered, and describe how those services will be offered. By May 1, 2014, the District will provide OCR with a description of the compensatory services that will be available for inclusion in individual student Catch-up plans.
10. By February 1, 2014, and by June 30th of each year thereafter until OCR confirms that the Master Plan has been fully implemented, the District will submit to OCR reports developed consistent with the Evaluation and Accountability Section of the Master Plan (Chapter 6), including the following:
 - a. Copies of Principals' Assurances Checklists submitted to the Director of English Learner Services for the school year; if the District is not collecting the checklists for the 2013-2014 school year, please describe the District's interim method for reviewing instructional services for EL students at the school site level;
 - b. Copies of all reports created pursuant to the "ELD/SDAIE Walkthroughs (district and site facilitated self-reviews) conducted during the prior school year, including "next steps for school improvement work";
 - c. A copy of the District's Annual Evaluation of Programs and Services for English Learners.
11. By February 1, 2014, and by July 1 each year thereafter until OCR confirms that the Master Plan is fully implemented, the District will submit to OCR the following information concerning Staffing and Professional Development (Chapter 4):
 - a. A list of the English Learner Specialists employed at the District level during the prior year.
 - b. A list of the Site English Learner Support Teachers, with a schedule of their assigned sites.
 - c. The multi-year professional development plan developed by the Department of English Learner Services.

- d. A schedule of professional development activities planned and/or delivered by the Department of English Learner Services during the prior year.
- 12. By February 1, 2014, the District will provide OCR a plan for ensuring (1) that parents of English learner students receive accurate, comprehensible, and consistent information about their children's educational program, including the structure of the English learner program and District expectations for student progress in learning English and their children's academic success, and (2) that school and District parent engagement efforts effectively include limited English proficient (LEP) parents. The plan will describe steps that will be taken at the site level to provide information to parents on the identification and assessment of English learner students, expectations for student progress through the English learner program, reclassification, high school graduation requirements, and college readiness. The plan will be fully implemented at all sites.
- 13. Prior to making any changes to the provisions of the current Master Plan, the District will submit the proposed changes to OCR for review and approval.

MONITORING AND REPORTING

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI of the Civil Rights Act of 1964, which were at issue in this compliance review.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI of the Civil Rights Act of 1964.

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

For the Mt. Diablo Unified School District:

/s/ _____

Date: 11/15/2013 _____

**Dr. Nellie Meyer
Superintendent**