

**Resolution Agreement  
Jersey City School District  
OCR Case No. 02-13-5002**

To ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation, at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, et seq., and its implementing regulation at 28 C.F.R. Part 35, the Jersey City School District (the District) voluntarily agrees to take the following actions in an effort to resolve identified issues in the above-referenced compliance review:

**A. Identification and Assessment of Students Whose Primary Home Language is Other Than English**

Action Item

1. The District will take steps to ensure that every student with a primary home language other than English (PHLOTE) will be identified by the District. By **January 31, 2015**, the District will develop and implement a policy and procedure for identifying all PHLOTE students in the District, including students from low incidence language groups. As part of this policy and procedure, consistent with Title VI, the District will distribute a Home Language Survey (HLS) in Spanish and English, and also will provide the HLS in as many other languages known to be spoken in the community, as are practical. As an alternative to providing printed HLS forms to national origin minority LEP parents and guardians (collectively hereafter, “LEP parents”) for low incidence language groups, the District may provide interpreters to assist those LEP parents in completing the HLS. The District will ensure that, consistent with Title VI, the HLS is designed and administered such that it appropriately identifies students in need of ELL services (e.g., the HLS will trigger an assessment if there is at least one affirmative response to its questions).
2. The District will take steps to ensure that every student identified as PHLOTE consistent with Action Item 1 is assessed by the District to determine the appropriate ELL services to be provided. By **January 31, 2015**, the District will develop and implement a policy and procedure for assessing all PHLOTE students in the District.

Reporting Requirements<sup>1</sup>

1. By **January 31, 2015**, the District will submit to OCR for review and approval, its procedures for interpreting HLS responses and identification of students in need of ELL services.

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<sup>1</sup> OCR will attempt to review and approve all documentation submitted to OCR pursuant to the Reporting Requirements of Sections A through K of this Resolution Agreement within 90 calendar days of receipt.

2. By **January 31, 2015**, the District will submit to OCR for review and approval, a copy of its HLS in English and Spanish, and in all other languages for which it has developed a HLS, for the 2014-2015 school year.
3. By **January 31, 2015**, the District will submit to OCR for review and approval, its policy and procedure for identifying PHLOTE students in low incidence language groups and, to the fullest reasonable extent, providing interpreters to assist LEP parents in completing the HLS to assure that LEP parents have adequate notice of and meaningful access to the District’s educational program consistent with Title VI.
4. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item A.1 during the 2014-2015 school year; and by **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item A.1 during the 2015-2016 school year.
5. By **June 30, 2015**, the District will submit to OCR copies of all HLS surveys completed for District students during school year 2014-2015; and by **June 30, 2016**, the District will submit to OCR copies of all HLS surveys completed for District students during school year 2015-2016.
6. By **January 31, 2015**, the District will submit to OCR for review and approval, its policy and procedure for assessing PHLOTE students.
7. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item A.2 during the 2014-2015 school year; and by **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item A.2 during the 2015-2016 school year.

**B. Design and Implementation of the Alternative Language Program**

Action Items

1. By **January 31, 2015**, the District will ensure that it has developed an alternative language program that comports with the requirements of Title VI and its implementing regulation. The District shall ensure that its alternative language program provides for the provision of English language services to all English Language Learner (ELL) students in all educational settings, including special education. This program will include a policy and procedure for how the District will serve ELL students by proficiency level and grade level (*i.e.*, elementary, middle and high school). As used in this Resolution Agreement, “English language services” shall mean services designed to ensure that national origin minority students with limited-English proficiency have meaningful access to the District’s educational program, consistent with Title VI. Such services may include, but need not be limited to, any or all of the following: (1) English as a second language (ESL) instruction;

(2) transitional bilingual education; (3) bilingual/bicultural education; (4) structured immersion; and/or (5) developmental bilingual education. The District will determine the specific alternate language programs/services that are appropriate for each of the District's ELL students, consistent with Title VI.

2. By **January 31, 2015**, the District will ensure that all ELL students receive appropriate English Language services, including appropriate placement into the alternative language program. Additionally:
  - a. If the District deviates from its established alternative language program in providing English language services, the District will document why the ELL student is not provided with alternative language services in accordance with the District's program.
  - b. The District will establish one or more placement committees (i.e., language proficiency assessment committees) based on need. The members of the language proficiency assessment committee will, at a minimum include an ESL/bilingual teacher, a counselor, and a campus administrator (e.g., principal, assistant principal). The District will convene a placement committee meeting for each ELL student to review the ELL student's pertinent information and make placement determinations regarding the student's participation in the District's alternative language program, including the type and amount of language development services to be provided to each student.
  - c. The District will develop a system to maintain records for all ELL students that will include, by ELL student, name, school, grade level, assessment results, proficiency level, and the provision of appropriate language services, including the type, frequency, and duration of services to be provided.
  - d. The District will monitor the provision of alternate language services for ELL students and provide compensatory alternative language services, as needed and appropriate, to each student who is not provided alternative language services in accordance with the District's program.
3. By **January 31, 2015**, the District will develop and implement a policy and procedure to ensure that all ELL students receive alternative language services until the students meet the District's criteria to exit the alternative language program.
4. By **June 30, 2015**, the District will provide notification of the placement for each ELL student and the benefits derived from participation in the alternative language program to each ELL student's parent/guardian in a language LEP parents can understand. However, a student may be removed from the alternative language program upon receipt of a written request from the parent/guardian. As an alternative to sending written notification to LEP

parents for low incidence language groups, the District may use interpreters to provide this information to them.

5. By **January 31, 2015**, the District will provide language services to ELL students whose parents have declined or opted out of the alternative language program, by monitoring ELL students' academic progress and providing other language support services for such students. Additionally:
  - a. The District will develop a policy and procedure to monitor the academic progress of ELL students whose parents opted out of the alternative language program, on behalf of the ELL students, to ensure that the students are able to participate meaningfully in the regular instructional program.
  - b. The District will contact the parent/guardian of each ELL student who is not participating in or being served by the alternative language program because of parent denials or for other reasons, to inform the parent of the ELL student's opportunity to participate in the alternative language program. The District will provide the parent/guardian with information about the results of the assessment of the student and the potential benefits of the program. The District will invite the parent/guardian to a meeting, to be conducted to the fullest reasonable extent in a language he/she can understand, to explain the goals and objectives of the alternative language program; and shall conduct such meeting if the invitation is accepted by the parent/guardian.

#### Reporting Requirements

1. By **June 30, 2015**, the District will provide to OCR for review and approval, a copy of its alternative language program which will include how it will meet the needs of ELL students, at all grade levels and proficiency levels, as set out in Action Items B.1 and B.2.
  - a. By **June 30, 2015**, the District will submit to OCR for review and approval, documentation of its implementation of the policy and procedure and provision of compensatory alternative language services in Action Items B.1 and B.2 during the 2014-2015 school year.
  - b. By **June 30, 2016**, the District will submit to OCR for review and approval, documentation of its implementation of the policy and procedure, and provision of compensatory alternative language services, in Action Items B.1 and B.2 during the 2015-2016 school year.
2. By **January 31, 2015**, the District will provide to OCR a copy of its policy and procedure for review and approval, developed in accordance with Action Item B.3.

- a. By **January 31, 2015**, the District will provide to OCR a written summary of the system it developed to maintain a record for each ELL student in accordance with Action Item B.3.
  - b. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy or procedure in Action Item B.3 during the 2014-2015 school year.
  - c. By **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy or procedure in Action Item B.3 during the 2015-2016 school year.
3. By **June 30, 2015**, the District will provide to OCR documentation demonstrating that the District convened an assessment committee for each ELL student to review ELL students' pertinent information and make placement determinations regarding the student's participation in the district's alternative language program for the 2014-2015 school year.
4. By **June 30, 2016**, the District will provide to OCR documentation demonstrating that the District convened an assessment committee for each ELL student to review ELL students' pertinent information and make placement determinations regarding the student's participation in the district's alternative language program for the 2015-2016 school year.
5. By **June 30, 2015**, (for the 2014-2015 school year) and by **June 30, 2016**, (for the 2015-2016 school year), the District will submit to OCR the updated roster of all ELL students and the following information:
  - a. The total number of ELL students enrolled in each school, by grade level and proficiency level;
  - b. The total number of ELL students in each school who receive alternative language program services;
  - c. For each ELL student provided alternative language program services, the student's grade level, proficiency level, and services provided (including duration of services, e.g., 45 minutes/5 times a week);
  - d. For each ELL student not included in the alternative language program, the student's grade level, proficiency level, reason for not receiving services, and a statement of the language support services being provided to the student and description of the student's academic progress and whether they are able to participate meaningfully in the regular instructional program. For each student who is not being served because the parent opted out, the District will provide to OCR a copy of the information provided to the parent/guardian of students who are

not being served and documentation of when the District held a meeting with that parent and who was present during the meeting.

- e. For each ELL student who is provided alternative language services in a manner that deviates from the District's chosen alternative language program, the student's grade level, proficiency level, services provided, and reason for deviating from the chosen alternative language program.
6. By **June 30, 2015**, the District will provide to OCR a copy of the notification of the placement that was sent to parents/guardians of ELL students in accordance with Action Item B.4 for the 2014-2015 school year.
  7. By **June 30, 2016**, the District will provide to OCR a copy of the notification of the placement that was sent to parents/guardians of ELL students in accordance with Action Item B.4 for the 2015-2016 school year.
  8. By **January 31, 2015**, the District will provide to OCR for review and approval, a copy of its policy and procedure developed in accordance with Action Item B.5.
    - a. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item B.5 during the 2014-2015 school year.
    - b. By **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item B.5 during the 2015-2016 school year.

### **C. Staff Development**

#### **Action Items**

1. By **January 31, 2015**, the District must ensure that there are a sufficient number of certified, trained English as a Second Language (ESL) and/or bilingual teachers to implement its selected alternative language program. ESL teachers must demonstrate that they have been adequately trained in ESL methodology and have mastered the skills necessary to teach effectively. Bilingual teachers must demonstrate that they can speak, read, write and understand in both languages, and that they have received adequate instruction in the methods of bilingual education. Additionally, the District will ensure that its ESL/bilingual teachers provide ELL services consistent with the requirements of Title VI.
2. By **January 31, 2015**, to the extent the District does not have the necessary certified, trained ESL/bilingual teachers for the 2014-2015 school year, the District shall identify

and describe the interim steps it will take to provide staffing for the alternative language program, including:

- a. The continuing efforts the District is making to recruit certified, trained staff members to implement the alternative language program; and
  - b. The steps the District will take to ensure the availability and placement of certified and/or trained staff members to implement the alternative language program. This may include using current teaching staff who are ESL/bilingual certified to teach in the alternative language program; or current teaching staff members who are working toward obtaining credentials as a condition of employment in the ELL program, and are receiving interim training to enable them to function adequately in the classroom and/or assistance from qualified aides or assistants.
3. By **January 31, 2015**, the District will develop and implement a procedure to ensure that each ESL/bilingual teacher's classroom performance will be evaluated by a person who is familiar with the method being used and in a manner designed to ensure that ESL/bilingual teachers are providing services that are consistent with the District's alternative language curriculum and academic objectives.
  4. By **June 30, 2015**, the District will provide training on its alternative language program methodologies to all individuals identified to evaluate the ESL/bilingual teachers' classroom performance in the above-referenced procedure.
  5. By the **June 30, 2015**, the District will ensure that all of its staff providing its alternative language program to ELL students are appropriately certified and trained.

#### Reporting Requirements

1. By **January 31, 2015**, the District will provide OCR with documentation describing how it will staff its alternative language program. This shall include the names and qualifications of teachers at each school (including their certification and training as ESL/bilingual teachers) as well as their projected daily schedules and number of ELL students for each ESL/bilingual classroom period identified. Additionally, if the District does not have an appropriate number of certified and trained ESL/bilingual teachers to adequately staff its alternative language program for the 2014-2015 school year, the District will explain the interim steps it will take to provide adequate staffing for its alternative language program. By **September 30, 2015**, the District will provide documentation regarding the interim steps taken during the 2014-2015 school year.
2. By **January 31, 2015**, the District will submit to OCR for review and approval, a copy of the procedure it developed to ensure that ESL/bilingual teachers' classroom performance

will be evaluated by a person knowledgeable in ESL/bilingual methodologies.

- a. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of Action Item C.3 during the 2014-2015 school year.
  - b. By **June 30, 2016**, the District will submit to OCR documentation of its implementation of Action Item C.3 during the 2015-2016 school year.
3. By **June 30, 2015**, the District will provide training on alternative language program methodologies to all individuals identified to evaluate the ESL/bilingual teachers' classroom performance. By **July 15, 2015**, the District will submit to OCR copies of schedules, a brief description of the training, the name and credentials of the individual responsible for providing the training and the names and titles of those in attendance.
  4. By **June 30, 2015**, the District will provide documentation to demonstrate that all of its staff who are responsible for implementing the District's alternative language program are appropriately trained and certified, including the names and qualifications of teachers at each school (including their certification and training as ESL/bilingual teachers) as well as their projected daily schedules and number of ELL students for each ESL/bilingual classroom period identified.

#### **D. Instructional Materials**

##### Action Item

1. By **June 30, 2015**, the District will provide instructional materials to effectively implement its selected alternative language service model for the instruction of ELL students. Such materials will be appropriate to the curriculum, and comparable in quality, availability, and grade level to materials provided for the instruction of non-ELL students.

##### Reporting Requirement

1. By **June 30, 2015** (for the 2014-2015 school year), and by **June 30, 2016** (for the 2015-2016 school year), the District will submit to OCR a written description of the instructional materials it has in place as well as ordered, by school and grade level, to be used in the alternative language program and regular classrooms. The District will also inform OCR of the quantity of materials it has and/or has ordered and its planned distribution to the schools. Further, the description will include a written explanation as to how the materials are appropriate to the curriculum and comparable in quality, availability, and grade level to materials provided for the instruction of non-ELL students.

**E. Reclassification and Exit**

Action Items

1. By **January 31, 2015**, the District will identify and describe the criteria that it will use to determine when an ELL student has obtained sufficient proficiency in English to exit the alternative language program. At a minimum, these criteria will provide for the following:
  - a. The determination of English language proficiency is based on objective standards by using language proficiency test scores, in which the District can demonstrate that students meeting those standards will be able to participate meaningfully in the regular classroom; and
  - b. The ELL students exiting alternative language services exhibit English reading, writing, speaking, and comprehension skills that would indicate they can participate meaningfully in the District's regular education program.
2. By **January 31, 2015**, the District will ensure that exited ELL students are participating meaningfully in the District's program. Specifically, the District will develop policies and procedures to periodically review the academic progress of students exited from the alternative language program throughout the academic school year. The policies and procedures shall include, but not be limited to:
  - a. Formally reviewing the academic progress of each student who exited the alternative language program, including examining grades, academic achievement scores, interim progress reports, and test scores throughout the school year;
  - b. Distributing a memorandum to instructional staff and campus administrators regarding the monitoring requirements; and
  - c. Permitting reentry into the alternative language program by all exited ELL students who demonstrate a need for additional English language services and/or providing additional support services to exited ELL student who demonstrate a need for additional support, such as tutoring, as appropriate.
3. By **January 31, 2015**, the District will identify whether any students who have exited the alternative language program during the 2013-2014 school years have suffered any academic deficiencies and take appropriate steps to remediate such academic deficiencies (e.g. tutoring). By **June 30, 2015**, the District will identify whether any students who have exited the alternative language program during the 2014-2015 school year have suffered any academic deficiencies and take appropriate steps to remediate such academic deficiencies (e.g. tutoring). By **June 30, 2016**, the District will identify

whether any students who have exited the alternative language program during the 2015-2016 school year have suffered any academic deficiencies and take appropriate steps to remediate such academic deficiencies (e.g. tutoring). In circumstances where a student is not succeeding academically because of premature exiting or lack of appropriate English language development, the District will consider reentry into the alternative language program as a remedy.

### Reporting Requirements

1. By **January 31, 2015**, the District will submit to OCR for review and approval, the exiting criteria being implemented by the District as outlined in Action Item E.1.
2. By **January 31, 2015**, the District will provide a copy of the exit criteria implemented by the District to the parents of all current and exited ELL students in a language the parent can understand. As an alternative to providing this copy for low incidence language groups, the District may provide interpreters to assist national origin minority LEP parents.
3. By **January 31, 2015**, the District will submit to OCR for review and approval, its policies and procedures to monitor the progress of students who exited the alternative language program.
4. By **January 31, 2015**, the District will provide a copy of the memorandum distributed to instructional staff and campus administrators regarding the monitoring requirements.
5. By **January 31, 2015**, the District will provide to OCR the following:
  - a. A list of students who have exited the alternative language program during the 2013-2014 school year, and documentation demonstrating the students' achievement in the regular educational environment without alternative language program services, including grades and other academic achievement data.
  - b. Supporting documentation (i.e., copies of student rosters indicating exit criteria and test scores) for all students reviewed; and
  - c. A list of all students who exited the alternative language program during the 2013-2014 school year and who suffered academic deficits. Of these students, identify students who obtained additional academic supports (e.g., tutoring) or reentered the alternative language program as a result of the evaluation. For those who remain as exited ELL students, provide documentation of the reasons for the placement determination (i.e., a roster with student scores or evidence of success in the regular academic program).
6. By **June 30, 2015**, the District will provide to OCR the following for the 2014-2015

school year and by **June 30, 2016**, the District will provide to OCR the following for the 2015-2016 school year:

- a. A list of students who have exited the alternative language program during the school year at issue, and demonstration that the students were able to achieve in the regular educational environment without alternative language program services, including grades and academic achievement data.
- b. Supporting documentation (i.e., copies of student rosters indicating exit criteria and test scores) for all students reviewed; and
- c. List of all students who exited the alternative language program during the school year at issue and suffered academic deficits; of these students, identification of students who obtained additional academic supports (e.g., tutoring) or reentered the alternative language program as a result of the evaluation. For those who remain as exited ELL students, provide documentation of the reasons for the placement determination (i.e., a roster with student scores or evidence of success in the regular academic program).

#### **F: Program Evaluation and Modification**

##### Action Items

1. By **January 31, 2015**, the District will develop a procedure to measure the effectiveness of its alternative language program. The procedure will include an evaluation of its chosen alternative language program with cohort longitudinal data comparing ELL versus non-ELL students, and ELL students in the program versus ELL students not in the program. Factors to be compared will be, at a minimum, student performance, proficiency levels, attendance, retention, and graduation rates.
2. By **June 30, 2015**, the District will evaluate its alternative language program pursuant to its procedure to measure the effectiveness of its alternative language program.

##### Reporting Requirements

1. By **January 31, 2015**, the District will submit to OCR for review and approval, a copy of its procedure to measure the effectiveness of its alternative language program.
2. By **June 30, 2015**, (for the 2014-2015 school year) and by **June 30, 2016** (for the 2015-2016 school year) the District will submit to OCR a copy of its evaluation and any modifications made to its alternative language program as a result of the evaluation.

## **G. Special Education**

### Action Items

1. By **January 31, 2015**, the District will ensure that ELL students who, consistent with 34 C.F.R. Part 104 Subpart D, are identified as students with disabilities are appropriately evaluated, placed and provided, as appropriate, with accommodations or special education and related aids and services as well as alternative language services. The District will adapt its disability pre-referral, identification, referral, evaluation, and placement policies, procedures, and practices as necessary to ensure that ELL students are not misidentified and placed as students with disabilities and that they are not denied appropriate accommodations, special education and related aids and services, including appropriate evaluations, because they are ELL students. Specifically, the District will:
  - a. Review and revise its procedures to ensure that the requirement in Action Item G.1 is incorporated into the District's special education procedures;
  - b. Review and revise its procedures to ensure that the requirement Action Item G.1 is incorporated into the District's alternative language program.
2. By **June 30, 2015**, the District will review all of its ELL students currently identified as students with disabilities under the Individual with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504) to ensure that students who require both ELL services and special education receive both and determine whether compensatory services are necessary for any student consistent with the requirements of Title VI.

### Reporting Requirements

1. By **January 31, 2015**, the District will submit to OCR for review and approval, a copy of its revised special education procedures and alternative language program procedures as outlined in Action Item G.1.
  - a. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy or procedure in Action Item G.1 during the 2014-2015 school year.
  - b. By **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy or procedure in Action Item G.1 during the 2015-2016 school year.
2. By **June 30, 2015**, the District will provide OCR with a list of all of its ELL students currently identified as students with disabilities under IDEA or Section 504 and describe the alternative language services and special education services provided to each student and what, if any, compensatory services are deemed necessary for each student. By **June**

**30, 2016**, the District will provide OCR with a list of all of its ELL students currently identified as students with disabilities under IDEA or Section 504 and describe the alternative language services and special education services provided to each student and what, if any, compensatory services are deemed necessary for each student.

## **H. Parental Communication**

### Action Items

1. By **January 31, 2015**, the District shall revise and implement its policies and procedures to ensure that the national origin minority LEP parents are notified, in a language understood by the parents, of school activities and other information and matters that are called to the attention of other parents. Specifically, the District will revise its procedures to ensure that:
  - a. The procedures will specify how the District will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups.
  - b. The District has a process to identify and track LEP parents who require communication in a language other than English, including ensuring that teachers, administrators, and central office personnel are notified of these LEP parents.
  - c. The District has a process by which District staff may obtain, in a timely manner, language assistance services, including qualified translators or interpreters as needed (this could include through the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs); the process will also notify appropriate staff of the applicable record keeping procedures and reporting requirements; the District's means for providing these services must be well-publicized and accessible to staff.
  - d. The District has a process for notifying LEP parents, in a language that the parents can understand of the availability of free language assistance services (as described in c. above) with respect to school programs and activities and information as to how this assistance may be obtained. The notice will, at a minimum, be published on the District's website, in the student and parent handbooks, and in any District-wide or school-based newsletters. The notification will also provide parents with a contact person who can answer any questions regarding parental communication and assist parents to access interpreter services or translated documents.
  - e. The District has a process by which the District ensures that all of its interpreters

and translators are competent to provide interpretation and translation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. The District will maintain documentation to support that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language.

- f. When the District generates and sends commonly used documents to parents of students enrolled in the district, the district/schools will send the documents to identified LEP parents in a language they can understand. Where translation is impractical due to the low incidence of the language, the District will advise parents of who to contact in the District if they need assistance in understanding notices and will provide oral interpretation as necessary for the parents.

### Reporting Requirements

1. By **January 31, 2015**, the District will submit to OCR for review and approval, a copy of its revised policies and procedures concerning parental communication.
  - a. By **June 30, 2015**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item H.1 during the 2014-2015 school year. Documentation shall include but is not limited to copies of notices sent to LEP parents of the availability of free language services, a list of individuals who requested such services and a description of when and what services were provided, and the name and credentials of all interpreters and translators.
  - b. By **June 30, 2016**, the District will submit to OCR documentation of its implementation of the policy and procedure in Action Item H.1 during the 2015-2016 school year. Documentation shall include but is not limited to copies of notices sent to LEP parents of the availability of free language services, a list of individuals who requested such services and a description of when and what services were provided, and the name and credentials of all interpreters and translators.
2. By **June 30, 2015**, the District will provide training to District administrators and other staff members involved in the provision of interpreter and translation services on the revised policies and procedures. By **July 15, 2015**, the District will submit to OCR copies of the training schedule(s), a brief description of the training, the name and credentials of the individual responsible for providing the training, and the names and titles of those in attendance.
3. By **June 30, 2015**, the District will provide notice to LEP parents of the revised policies and procedures and submit to OCR a copy of the notice provided to LEP parents.

## **I. Specialized Programs and Extracurricular Activities**

### Action Items

1. By **January 31, 2015**, the District will review the participation of ELL students in the District's specialized programs (such as gifted and talented, Advanced Placement, International Baccalaureate, academic academies, and any other specialized programs) and extracurricular activities (including student government, student clubs, athletics, and any other extracurricular activities). The District's review will include, at a minimum:
  - a. An assessment of whether any District policies, procedures, and/or practices preclude or otherwise limit ELL students from participating in the District's specialized programs;
  - b. The methods used to disseminate information about the District's specialized programs and extracurricular activities, including the languages in which the information is provided;
  - c. The methods used to recruit participants for the District's specialized programs and extracurricular activities; and
  - d. A student survey of current and exited ELL students in the District regarding student interest in the District's specialized programs and extracurricular activities.

### Reporting Requirements

1. By **January 31, 2015**, the District will provide OCR a written description of the District's review of the participation of ELL students in the District's specialized programs and extracurricular activities. The description will include:
  - a. A description of the information gathered pursuant to Action Items I.1.a. through I.1.c.; and
  - b. Results of the student survey conducted pursuant to Action Item I.1.d.

## **J. Facilities and Integration of ELL Students**

### Action Item

By **January 31, 2015**, the District will review its ELL program and develop a plan to ensure that it carries out its program in the least segregative manner consistent with achieving its stated goal(s), and will identify modifications that it will make to minimize segregation to the greatest extent possible in the District.

### Reporting Requirement

1. By **January 31, 2015**, the District will provide OCR for review and approval, with

documentation outlining any changes made to its ELL program consistent with Action Item J.1. For any ELL programs that remain separated from the general education population, including but not limited to the Bilingual Self-Contained and Port of Entry programs, the District will outline its reason(s) for carrying out the program in this manner, and describe whether it considered any alternatives (for example, participation with the general education population in art, music, gym, and other specials).

#### **K. Additional Action Item**

##### Action Item

1. By **June 30, 2015**, the District will convene one or more parent forums, in a language the parents can understand, to provide District parents with information regarding the alternative language program, including identification and assessment of students, alternative language services, exit criteria, and monitoring. Prior to convening the parent forum(s), the District will provide OCR with the date, time, and location of the event(s).

##### Reporting Requirement

1. By **July 15, 2015**, the District will provide OCR with documentation regarding the parent forum(s) including, advertisement of the forum, information provided at the forum (i.e. presentations, handouts, etc), and the number of individuals in attendance.

If OCR has any objections to any items submitted by the District for OCR review and approval, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft plan.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b); Section 504, a 34 C.F.R. §§ 104.33-104.36; and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. The District also 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 the regulations implementing Title VI, at 34 C.F.R. §100.3(a) and (b); Section 504 at 34 C.F.R. §§ 104.33-104.36; and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. In addition, 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.

/s/ Marcia V. Lyles

12/22/14

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Dr. Marcia V. Lyles  
Superintendent  
Jersey City School District

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Date