

AGREEMENT TO RESOLVE

Between the Los Angeles Unified School District And the U.S. Department of Education's Office for Civil Rights

**OCR Case Number 09105001
English Learner Component**

BACKGROUND

The U.S. Department of Education, Office for Civil Rights (OCR) initiated a compliance review of the Los Angeles Unified School District (District) in order to investigate whether the District denies equal educational opportunities to national origin language minority students in its schools. The District is subject to 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. Part 100 (Title VI) because it receives Federal financial assistance from the Department of Education. Title VI provides, in relevant part, that no program or activity receiving Federal financial assistance from the Department of Education may discriminate on the basis of race, color, or national origin. Before the conclusion of the investigation, the District expressed an interest in resolving the compliance review. The District agrees to the terms of this Agreement and agrees to comply fully with its provisions.

MASTER PLAN FOR ENGLISH LEARNER SERVICES

ACCOUNTABILITY FOR PROGRAM DESIGN AND IMPLEMENTATION

1. By December 15, 2011, the District shall develop an outline of a comprehensive program of English language services and instruction that meets Title VI standards (*Master Plan for English Learners*), which shall incorporate the "Program Areas" provisions of this Agreement, and, in pertinent part, will describe goals for its program for EL students. The *Master Plan for English Learners* shall include a separate component ("Academic Language Proficiency") that addresses the language proficiency and needs of African American students starting at the elementary level district-wide.
2. By March 30, 2012, the District will submit the draft of the *Master Plan for English Learners* (Master Plan) for OCR's approval, which includes a comprehensive program implementation and accountability structure to deliver English language services and instruction to all English learner ("EL") students in all educational settings, including special education, and EL Secondary students who have completed English language development (ELD) instruction. Feedback from OCR will be incorporated prior to submission to the Board. The current Master Plan will remain in effect during the school year 2011-2012.
3. The Master Plan also shall describe how the District will ensure that appropriate staff are held accountable for the design, full implementation, periodic evaluation, and modification of the program for EL students, as needed. The plan will describe all levels of District responsibilities including the roles and responsibilities of staff at the Central Office, Local District and at the school site levels for implementing the delivery of EL services and ensuring compliance with the Master Plan and this Agreement.

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4. By March 30, 2012, the District shall develop, and submit to OCR for approval, a comprehensive and effective system for evaluating and monitoring implementation of the EL program, which may be part of the Master Plan, or a separate document (Program Evaluation Plan). The system shall be referenced in any school accountability systems, and in teacher and administrator evaluation tools, including Central Office administrators, Local District Superintendents, and school-based administrators, pending contract negotiations with United Teachers of Los Angeles (UTLA) and Associated Administrators of Los Angeles (AALA). Local District Superintendents will be held accountable for implementation and monitoring through evaluation by the Deputy Superintendent of Instruction.
5. Within 30 days of the District's submission of the Master Plan and the Program Evaluation Plan, OCR will notify the District of its approval of them. The District shall begin providing professional development District-wide to administrators, teachers, parents, paraprofessionals, community members and other stakeholders within 60 days of its approval by OCR. The professional development will be completed by November 30, 2012.
6. The Master Plan shall begin full implementation at all District schools by September 2012. All aspects of the Master Plan shall be fully implemented at all District schools by September 2013.
7. The Program Evaluation Plan shall begin full implementation by September 2012. All aspects of the Program Evaluation Plan shall be fully implemented at all District schools by September 2013.
8. Within 90 days after approval of the Master Plan and the Program Evaluation Plan by OCR, the District shall review and revise if needed all District guidance, bulletins, memoranda and other documents pertaining to the program for EL students and determine whether they continue to be needed; if so, the District shall revise them as necessary to ensure that they are consistent with the Master Plan and the Program Evaluation Plan.
9. While the Master Plan is being finalized, the current Master Plan and District policies will remain in effect during the school year 2011-2012.

PROGRAM AREAS

IDENTIFICATION AND PLACEMENT OF ENGLISH LEARNERS

1. The District shall continue to assess all students whose Home Language Survey results indicate a home or primary language other than English. The results of this assessment will be accurately and permanently recorded in the Student Information System (SIS).
2. The District shall maintain its efforts to administer annually the CELDT to all identified EL students, including EL students in special education, until they have been reclassified as fluent English proficient (RFEP). The results of this assessment will be accurately and permanently recorded in the Student Information System (SIS). By March 1 of each year, the District will review its Student Information System and identify each student for whom a current (administered during the current school year) CELDT score is not recorded. For each such

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student, the District will either enter the current information in the system or, if current data is unavailable, administer and score the CELDT.

ENGLISH LANGUAGE DEVELOPMENT

1. While the Master Plan is being finalized, the District shall provide OCR with an interim plan outlining the following:
 - a. The steps that will be taken to ensure that all EL students in elementary schools receive ELD instruction that is targeted to their level of English proficiency;
 - b. The supplemental/compensatory services to be provided to EL students who have not made adequate progress in learning English, pursuant to current District goals;
 - c. The supplemental/compensatory services to be provided to secondary school EL students at risk for not graduating from high school.

The plan will describe services to be provided until the Master Plan is fully implemented.

2. The District shall provide coaching and professional development, as necessary, for teachers on providing ELD instruction in settings that include EL students at multiple English proficiency levels, and on using ELD portfolios to inform instruction and identify students who are not making expected progress in learning English.
3. The District shall provide EL students with ELD instruction until they are reclassified as RFEP. The Master Plan will describe the models for providing ELD at each grade span and English proficiency level, including the minimum duration of ELD instruction.
4. The District shall ensure that EL students at the elementary school level are provided ELD instruction by their English proficiency level as necessary to ensure that EL students receive ELD instruction that addresses their level of English proficiency, pursuant to guidance that the District will include in the Master Plan.
5. The Master Plan shall specifically describe the program of ELD instruction to be provided to secondary school students who are designated as “PRP” (Preparing for Reclassification Program) and who are not enrolled in designated ESL courses.
6. The Master Plan shall specifically address the ELD instruction to be provided to students at the secondary school level who are not considered PRP.
7. Students who are not making expected progress in acquiring English, as defined in the Master Plan with reference to the program goals, will receive designated effective intervention services. The Master Plan will describe the specific interventions that will be provided, the means of reviewing the success of any such interventions, and the steps that will be taken to modify the intervention program at schools where the programs are not successful.

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ACCESS TO CORE CONTENT INSTRUCTION

1. The District shall make the needs of ELs a top priority and will:
 - a. Ensure that all ELS, including special education students, have equal access to the core curriculum by providing instruction that is targeted to their level of English language proficiency.
 - b. Until the District meets AYP of EL subgroup, require that all teachers and administrators attend professional development on effective access to core strategies, along with extensive training in ELD/ELA standards alignment.
 - c. Require that teachers differentiate instruction for multiple English proficiency levels and use ELD Assessment Portfolios with the ELD/ELA standards alignment to inform instruction.
 - d. Require that school and district based administrators use data to supervise instruction, monitor progress and program placement.
 - e. Require schools to provide appropriate intervention for struggling students, including special education.
 - f. Ensure that all classrooms, including special education, receive adequate materials for providing access to core content instruction.
2. While the Master Plan is being finalized, the District shall provide OCR with a plan for providing interim training to secondary school content area teachers and to local district superintendents, secondary school principals, and other appropriate District and local district staff. The training shall focus on teachers' responsibility for making content area instruction accessible to students at a variety of English proficiency levels. The training shall be delivered in the most effective manner, and may be provided at content area department meetings or similar site-based settings. The interim plan shall describe services to be provided until the Master Plan is fully implemented.
3. The District shall ensure that EL students at each school, educational program, grade-level, and English proficiency level receive content instruction that is designed to enable them to perform at grade-level, be on track to graduate from high school, and be prepared to enroll in college.
4. The Master Plan shall describe how EL students will be grouped in core classes to ensure that their language proficiency is adequately addressed.
5. The Master Plan shall describe the use of supplemental materials for students at all English proficiency levels that are appropriate to the content area being taught and the English proficiency level of students.

RECLASSIFICATION

1. While the Master Plan is being finalized, the District will provide OCR with an interim plan for identifying students who were reclassified during the 2009-10 school year and whose course grades and/or CST scores subsequently fell below the level required for reclassification, and for providing such students with targeted intervention services during the 2011-12 school year. The

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interim plan shall describe the services to be provided until the Master Plan is fully implemented.

2. The Master Plan shall address the following issues:
 - a. The process and criteria for reclassifying EL students as fully English proficient (RFEP);
 - b. District expectations for continued progress of RFEP students toward proficient grade-level academic achievement as measured by grades and CST scores, and methods for monitoring reclassified students’ progress toward proficient achievement; and
 - c. The instructional supports that will be available to students after they reclassify, to ensure that they meet District progress expectations, including the specific intervention and support services that will be provided to reclassified students who do not make expected progress towards grade-level academic proficiency.

SPECIAL EDUCATION

The District shall provide both special education services and English learner services to each EL student in special education in a manner appropriate to the student’s individual needs, regardless of the nature or severity of the student’s disability as defined by the student’s IEP. Students for whom ELD instruction in mainstream classrooms is not appropriate will receive ELD instruction in their special day classes (SDCs) or through the resource specialist program (RSP). The District shall provide ESL materials to all special education teachers who are responsible for providing ELD to EL students. The Master Plan shall include guidance on the delivery of ELD to EL students, consistent with this requirement.

PARENT COMMUNICATION

1. By December 30, 2011, the District shall provide OCR with its policies and procedures to ensure that parents/guardians are effectively notified about the District’s EL program, participation in the program, academic progress of students toward meeting District standards for full English proficiency and achievement in core academic areas, high school graduation requirements, and college preparedness. The policies and procedures shall ensure sufficient and accurate oral interpretation for parents/guardians and written translation of informational materials regarding the EL program, EL student academic progress, high school graduation requirements and college preparedness.
2. The District shall provide professional development to all persons who provide or will provide oral interpretation or translation of informational materials for parents/guardians regarding the EL program and the academic progress of students, high school graduation requirements, and college preparedness, including staff at the Central Office, local district, and school site levels.
3. The District shall ensure that:
 - a. Accurate, complete and consistent information about the EL program is presented effectively to parents/guardians of EL students.

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- b. Informational materials about the EL program are distributed consistently to parents/guardians.
- c. District and site level interpreters receive adequate training concerning the EL program structure in order to effectively translate or interpret EL program information.

COLLEGE PREPAREDNESS AND CAREER READINESS

- 1. In conjunction with District’s “A to G for All” policy to provide college and career readiness for all students, the District shall develop a program regarding EL student college preparedness and career readiness, including access to the most effective teachers, to provide EL students and their parents/guardians with the information they need to enable students to prepare for and succeed in post-secondary education, including four-year institutions.
- 2. The District shall provide professional development for all middle and high school counselors and administrators on the options available to EL students and their parents/guardians for high school completion and college readiness.

ACADEMIC LANGUAGE PROFICIENCY

The District shall address the language proficiency and needs of African American students in the Master Plan. (See *Agreement to Resolve, Resource Comparability Component, 09105001*). The Academic Language Proficiency component of the Master Plan shall describe a comprehensive plan of English language services and instruction that addresses the English language proficiency and needs of African American students starting at the elementary level district-wide.

PROFESSIONAL DEVELOPMENT ON MASTER PLAN IMPLEMENTATION

The District shall develop a plan for providing professional development to Central Office, District, local district, and school site staff to ensure effective implementation of any portion of this Agreement or of the Master Plan.

ACTION PLAN TO IMPLEMENT AGREEMENT

The District shall fully implement the requirements of this Agreement in all District schools by the dates specified herein. Where this Agreement requires the development of plans or policies, the plans/policies will be submitted for OCR approval by the date specified; the District will begin implementation immediately upon OCR approval unless otherwise specified. All plans/policies described herein will be fully implemented.

MONITORING AND REPORTING

- 1. The District shall submit to OCR the following documents for its review and approval by the dates indicated. The documents will be modified as necessary to address OCR’s stated comments and concerns. All policies and procedures will be finalized within 45 days of final approval by OCR:

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- a. By December 15, 2011, an outline of the comprehensive program of English language services and instruction (*Master Plan for English Learners-Outline*);
 - b. By March 30, 2012, the *Master Plan for English Learners*;
 - c. By March 30, 2012, the Program Evaluation Plan;
 - d. By November 30, 2011, the current District's *Master Plan for English Learners*, Program Improvement LEA Plan Year 3 Corrective Action Plan, and the Title III Year 4 District Action Plan will be made available to provide information regarding the plan to provide training to secondary school content area teachers and to local district superintendents, secondary school principals and appropriate District and local district staff;
 - e. By November 30, 2011, the current District's *Master Plan for English Learners* and current policies regarding reclassified students will be made available to provide information regarding the process for identifying all students who were reclassified during the 2009-2010 school year and whose course grades and/or CST scores subsequently fell below the level required for reclassification, and for providing all such students with targeted intervention services during the 2011-2012 school year;
 - f. By November 30, 2011, a description of the steps taken to ensure that EL students in SDC settings receive ELD, and to provide ESL materials to SDC teachers;
 - g. By December 30, 2011, a description of the policies and procedures to ensure that parents are effectively notified about the District's EL program;
 - h. By December 1, 2011, a description of the professional development offered to all persons who provide interpretation or translation services to parents/guardians regarding the EL program and academic progress;
 - i. By December 30, 2011, the professional development plan for all those responsible for implementing any portion of this Agreement or the Master Plan.
2. The District shall maintain records of all information pertinent to compliance with the terms of this Agreement and shall provide such information to OCR upon request.
 3. Revisions to this agreement must be mutually agreed upon by the District and OCR. Any mutually agreed upon revisions must be set forth in writing. OCR and the District will work collaboratively to resolve any concerns about the implementation of this agreement.
 4. The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this agreement, 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 and the regulation implementing Title VI, at 34 C.F.R. part 100, that were at issue in this case.

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5. The District understands that OCR will not close the monitoring of this agreement until such time as OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Title VI and the regulation implementing Title VI, at 34 C.F.R. part 100, that were at issue in this case.

6. The effective date of this Agreement is the date of the signature below.

For the Los Angeles Unified School District:

Date: October 11, 2011

/s/

**John Deasy
Superintendent**