

**West Preparatory School Resolution Agreement  
Compliance Review #15-11-5004**

West Preparatory School (West Prep) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) for the purpose of resolving the above-referenced compliance review and ensuring 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 (Section 504), 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This concludes OCR’s investigation of the issues of this review to date and should not be interpreted to address West Prep’s compliance with any other regulatory provision or to address any issues other than those addressed in this agreement. Accordingly, West Prep agrees to implement the actions described below:

**English Language Learner Program**

1. By January 1, 2015, West Prep will develop a comprehensive plan (the comprehensive plan) outlining how it will provide English language services and instruction to English language learner (EL) students enrolled in West Prep. The approach/methodology must be recognized as sound by some experts in the field or recognized as a legitimate educational strategy. The comprehensive plan will include the following:
  - A. Regarding identification of EL students, the West Prep will continue to complete Home Language Surveys for all students who enroll. West Prep will review completed Home Language Surveys, as well as teacher input to identify all students who have a primary or home language other than English. West Prep will distribute the Home Language Survey in English and in Spanish. For those languages that are less prominent, West Prep will have translated versions of the survey available or will advise national origin minority limited English proficient (LEP) parents, in a language they understand, of whom to contact at West Prep if they need assistance in understanding and completing the survey.
  - B. Regarding assessment of potential EL students, West Prep will continue to promptly and objectively assess students identified as having a primary or home language other than English to determine their proficiency in reading, writing, speaking, and understanding English. West Prep will articulate what level of performance on the assessments qualifies students for EL services, the placement determination regarding the EL student’s participation in the EL program and the EL services provided by West Prep to the EL student. West Prep will promptly notify EL students’ parents of the assessment results in a language they understand and the EL services to be provided in a language they understand.
  - C. West Prep will develop a system to maintain records for all EL students that will include information that allows them to track the services provided to their EL students, such as student, name, school, grade level, assessment results, proficiency level, and the type, amount, and time of language services to be provided.

- D. Regarding EL program staffing, West Prep will ensure that EL program staff and providers are qualified for their positions. Additionally, West Prep will ensure that EL program staffing is sufficient to provide EL students the EL services necessary to meet their needs.
- E. Regarding EL program instructional materials, West Prep will ensure that the instructional materials that it provides to the EL program are appropriate to the EL program and grade level of the students it serves. West Prep will also ensure that the instructional materials are comparable in quality and scope to the materials provided to all students.
- F. Regarding EL program facilities, West Prep will ensure that the facilities and locations in which it delivers EL instruction and services are both adequate to program needs and comparable in size and quality to the facilities and locations in which all students are educated.
- G. Regarding EL student progress, West Prep will monitor EL student progress in order to identify EL students not making adequate progress toward meeting the West Prep’s identified EL program goals. West Prep will identify the specific interventions that it will provide to EL students who do not exhibit adequate progress. West Prep will document the monitoring as well as the special interventions that it provides to individual EL students.
- H. Regarding peer integration, West Prep will continue to ensure that it does not separate EL students from their non-EL peers, except to the extent such separation is necessary to the stated goals of the EL program.
- I. Regarding EL students with disabilities or suspected disabilities, West Prep will ensure that it appropriately identifies EL students who need or are believed to need special education or related services. Additionally, it will obtain input from relevant EL program staff when a group of knowledgeable person evaluates, reevaluates or makes making placement decisions for EL students with disabilities.
- J. Regarding special programs (e.g., advanced placement, honors) and extra-curricular activities, if available, West Prep will ensure that EL students have the same opportunity to participate in such programs as their non-EL peers.
- K. Regarding exit criteria and monitoring of students exited from the EL program, West Prep will articulate appropriate criteria for determining when they should exit an EL student from the EL program. West Prep will also ensure that EL program personnel monitor the academic and English language proficiency of students exited from the EL program for at least two years after their exit from the EL program. West Prep will ensure that EL personnel monitoring the exited student will consider, at a minimum, report cards, progress reports, teacher input, and standardized test scores to determine to place the EL student back in EL program. West Prep will assess whether each student exited from the EL program is able to achieve without EL program services (including by reviewing grades and academic achievement data) and if an exited student is unable to

achieve without EL program services, West Prep will determine the EL services to be provided to the EL student. West Prep will promptly notify EL students' parents of the assessment results in a language they understand and the EL services to be provided in a language they understand.

- L. Regarding EL program evaluation, West Prep will establish and implement a program and criteria for periodically evaluating the effectiveness of its EL program in providing EL students a meaningful opportunity to develop English-language skills and benefit from their overall educational programs. West Prep will ensure that it makes prompt and appropriate changes to their EL programs based on the evaluation.
2. Within 30 calendar days of receipt of the OCR-approved comprehensive plan, West Prep will adopt and implement the plan.

**Reporting Requirements:**

1. By January 31, 2015, West Prep will submit to OCR, for review and approval, a copy of the comprehensive plan it has developed pursuant to Item 1 above.
2. Within 30 calendar days of receipt of written notification from OCR of approval of the comprehensive plan, West Prep will submit to OCR documentation demonstrating adoption and implementation of the comprehensive plan developed pursuant to Item 1. In addition, West Prep will submit documentation, including but not limited to, its Home Language Survey, including any translation copies and information about the provision of interpreter services for parents to complete the survey, any data collected pursuant to the development of the comprehensive plan, such as a list of instruction materials used with EL students and documentation demonstrating that the materials are appropriate, documents demonstrating the monitoring of EL student progress, staffing information, a list of all students who exited the EL program during the 2012-2013 and 2013-2014 school years and indication of whether each student was able to achieve without EL program services, including grades and academic achievement data, and statements describing where EL students are receiving EL services. If a student was unable to achieve without EL program services, provide documentation that the student was again provided with EL services and appropriate notice provided to the student's parents.
3. By June 30, 2015, West Prep will submit to OCR documentation demonstrating the results of each Academy's evaluation of the implementation of the comprehensive plan during the 2014-2015 school year, pursuant to Item 1(L), consistent with the OCR-approved evaluation plan, including documentation of any changes West Prep took as a result of the evaluation.
4. By June 30, 2015, West Prep will submit to OCR documentation showing the total number of EL students enrolled in each school, by grade level and proficiency level; the total number of EL students in each school who receive alternative language program services; and the EL program services provided to each student including information about the students' grade and proficiency levels. For each EL student not included in the EL program, provide documentation showing 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 the student was able to participate meaningfully in the

regular instructional program. For any student who is not being provided services because the parent opted out, West Prep will provide to OCR a copy of the information provided to the parent/guardian of the unserved student. 5. By June 20, 2014, West Prep will submit to OCR documentation showing that it conducted training pursuant to Item 1(M), including copies of training 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.

6. By June 30, 2016, West Prep will submit to OCR documentation of its implementation of Items 1 and 2 during the 2015-2017 school year.

7. By June 30, 2017, West Prep will submit to OCR documentation of its implementation of Items 1 and 2 during the 2016-2017 school year.

### **Limited English Proficient (LEP) Parent Communication**

3. By January 1, 2015, West Prep will develop a written plan to provide language assistance to LEP parents that ensures that 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. The written plan will include:

A. A process for notifying LEP parents and all staff of the availability of free language assistance services with respect to information about West Prep programs and activities (e.g., orientation sessions, parent-teacher conferences, meetings with the school principal, special education meetings, etc.). The notification will include information about how to access the services and identify a West Prep contact person who can assist parents in accessing interpreter services or translated documents. The notification will be in a language understood by the LEP parents. The notice will be published on West Prep's website, in student and parent handbooks, and in any West Prep newsletters.

B. A process for identifying LEP parents who may need language assistance, including, at a minimum:

- Asking parents in a language they understand (in writing and/or orally, as appropriate) if they need written translations or oral interpretation of communications and, if so, to specify the language; and
- Using home language surveys to ask parents if they need written translations or oral interpretation of communications and, if so, to specify the language(s) needed.

C. A process that ensures that West Prep has a centralized list of LEP parents identified as needing language assistance services, the type of language assistance services that they need, and a log of the language assistance services provided to them by date of service, type of service (e.g., translation or interpreter services for special education, disciplinary proceedings), and service provider (including name, position, and qualifications). West

Prep will ensure that the list is available to all staff in the building that may interact with LEP parents.

- D. A process by which West Prep staff that are likely to interact with an identified LEP parent are advised of the parent's potential need for language assistance services, the circumstances under which they may need assistance (e.g., parent-teacher conferences, documents related to disciplinary actions, disciplinary hearings, documents related to Individualized Education Programs (IEP) or Section 504 Plans, and IEP team meetings), the type of language assistance that they may need (e.g., translation services or interpreter services), the means by which they may timely obtain such assistance for the parent, and the available translated documents.
  - E. A process by which West Prep staff may obtain in a timely manner appropriate, qualified translators or interpreters as needed (this could include the use of various services such as onsite translators/interpreters, telephonic translators/interpreters services, and translation programs); West Prep's means to provide the services must be well-publicized and accessible to staff.
  - F. A process by which West Prep ensures that the interpreters and translators it uses are proficient in the languages spoken by students and parents of students who attend West Prep and competent to provide interpretation and translation services. West Prep will also ensure that all interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
  - G. A process for identifying and translating, to the extent feasible, written documents that are routinely sent to other parents into the language of each predominant language group. For languages that are less predominant or where translations are not feasible, West Prep will ensure that student and parents have been advised, in a language they understand, of whom to contact at West Prep if they need assistance in understanding notices or communications with staff members. West Prep will notify staff members that these translations are available.
4. Within 30 days of receipt of the OCR-approved LEP language assistance plan developed pursuant to Item 3 West Prep will adopt and implement the plan.

**Reporting Requirements:** By January 31, 2015, West Prep will submit to OCR, for review and approval, a copy of the language assistance plan it has developed pursuant to Item 3 above. Within 30 calendar days of receipt of written notification from OCR that the language assistance plan is approved, West Prep will submit to OCR documentation demonstrating adoption and implementation of the LEP language assistance plan developed pursuant to Item 3 above. In addition, West Prep will submit documentation including, but not limited to, copies of: the notification issued pursuant to Item 3(A); information that West Prep has maintained, pursuant to Item 3(D); a list of LEP parents, their language background, types of services that they require, and information as to any services provided to the parents by the central administration

(including date of services, type of services, and name and qualifications of service provider); the annual notice issued to staff; and copies of the documents West Prep has translated.

- a. By June 30, 2015, West Prep will submit to OCR documentation demonstrating the results of its evaluation of its implementation of the OCR-approved language assistance plan during the 2014-2015 school year, consistent with the evaluation plan described above in Item 1.L. approved by OCR, including documentation of any changes West Prep took as a result of the evaluation.
- b. By June 21, 2016, West Prep will submit to OCR documentation of its implementation of Items 3 and 4 during the 2015-2016 school year.
- c. By June 21, 2017, West Prep will submit to OCR documentation of its implementation of Items 3 and 4 during the 2016-2017 school year.

5. By March 31, 2015, West Prep will ensure that all written materials publicizing or advertising West Prep prominently include a statement that the materials are available in other languages.

**Reporting Requirement:** By September 30, 2015, West Prep will provide OCR with written confirmation, including copies of any written materials, as applicable, that it has complied with Item 5 above.

#### **Policies and Procedures relating to Students with Disabilities**

6. By January 31, 2015, West Prep will submit for OCR's approval, policies and procedures that, at a minimum, provide for the proper and prompt identification, evaluation, and placement of students with disabilities in conformance with the regulation implementing Section 504 at 34 C.F.R. §§ 104.3 (definitions), 104.33 (free appropriate public education), 104.34 (educational setting), 104.35 (evaluation and placement), 104.36 (procedural safeguards/impartial due process hearing), and with Title II and the ADAAA, and a procedure to ensure that all of West Prep's staff responsible for implementing provisions of Section 504 plans and IEPs for students with disabilities are notified of the students' plans and their responsibilities each school year. The policies will specifically name a Section 504 coordinator at West Prep who will be responsible for coordinating West Prep's compliance with Section 504 and Title II. For any student evaluated for a Section 504 plan, the team will consider whether the student has been denied a free and appropriate public education (FAPE) as a result of not being identified by West Prep earlier, and if so will determine, what, if any, compensatory education is necessary to make up for time period the student was denied a FAPE.

#### **Section 504/Title II Grievance Procedures**

7. By January 31, 2015, West Prep will adopt a Section 504/Title II grievance procedures to comply with the requirements of the Section 504 regulation at 34 C.F.R. § 104.7(b) and the Title II regulation at 28 C.F.R. § 35.107(b). The grievance procedures will incorporate appropriate due process standards and provide for the prompt and equitable resolution of

complaints alleging any action prohibited by Section 504 or Title II, including disability harassment. At a minimum, the grievance procedures will:

- A. include notice of the name and/or position title and contact information for the individual(s) whom West Prep designated to coordinate their compliance with Section 504 and Title II;
  - B. include notice to students, parents and employees of the procedure for filing a complaint, including how, where and with whom complaints may be filed;
  - C. apply to complaints alleging disability discrimination carried out by employees, other students or third parties;
  - D. provide for the adequate, reliable and impartial investigation of complaints including the opportunity to present witnesses and other evidence;
  - E. contain designated and reasonably prompt timeframes for the major stages of the complaint process;
  - F. provide written notice to the parties of the outcome of the complaint;
  - G. contain assurance that steps will be taken to prevent recurrence of discrimination if it occurs and to correct its effects on the complaint and others, if appropriate;
  - H. contain a prohibition against retaliation which prohibits West Prep or others from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under those laws; and
  - I. clearly state that any informal resolution process is voluntary and not required before making a formal complaint.
8. Within 30 calendar days of receipt of the OCR-approved Section 504 policies and procedures and grievance procedures, West Prep will adopt, implement, and publish the policies and procedures. West Prep will notify, in writing, all parents, students, and employees of the policies and procedures and where copies can be obtained and post the policies and procedures on their website.
  9. Within 30 calendar days of receipt of the OCR-approved Section 504 policies and procedures and grievance procedures, West Prep will schedule training on the revised procedures. The mandatory training will be provided to West Prep administrators and staff. The training will provide an overview of the applicable regulatory requirements of Section 504 and Title II. Thereafter, West Prep will continue to provide annual staff training on the Section 504 policies and procedures and grievance procedures.

**Reporting Requirements:** By January 31, 2015, West Prep will submit to OCR for review and approval the Section 504 policies and procedures and grievance procedures developed pursuant to Items 6 and 7 above. Within 30 calendar days of receipt of the OCR-approved Section 504 policies and procedures and grievance procedures, West Prep will submit information to OCR documenting the implementation of Items 8 and 9, including copies of the written notification issued to West Prep staff and parents or guardians; the link to the procedures on West Prep’s website; the date(s) of the West Prep trainings and the name and job title of all persons who attending the training(s). If OCR does not provide the training, West Prep also will provide a copy of the training materials used and any materials distributed to attendees.

- a. By September 30, 2016, West Prep will submit to OCR documentation of its implementation of Items 6, 7, 8, and 9 during the 2015-2016 school year.
- b. By September 30, 2017, West Prep will submit to OCR documentation of its implementation of Items 6, 7, 8, and 9 during the 2016-2017 school year.

### **General Requirements**

West Prep understands that OCR will not close the monitoring of this agreement until OCR determines that West Prep has fulfilled the terms of this agreement and is in compliance with Title VI, 42 U.S.C. §§ 2000d *et. seq.*, and its implementing regulation at 34 C.F.R. §§ 100.3(a) and (b); Section 504 and its implementing regulation at 34 C.F.R. §§104.3, 104.33, 104.34, 104.35 and 104.36, and Title II and its implementing regulation at 28 C.F.R. §§ 35.106, 35.107, and 35.130(a) and (b), which were at issue in this case.

West Prep 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, West Prep understands that during the monitoring of this agreement, if necessary, OCR may visit West Prep, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether West Prep has fulfilled the terms of this agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. §§ 100.3(a) and (b), Section 504 and its implementing regulation at 34 C.F.R. §§104.3, 104.33, 104.34, 104.35 and 104.36, and Title II and its implementing regulation at 28 C.F.R. §§ 35.106, 35.107, and 35.130(a) and (b).

West Prep 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 West Prep written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

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/s/ Joe Palmer

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9/26/14

Administrator or Designee  
West Preparatory Academy

Date