

**Resolution Agreement**  
**Greater New Bedford Regional Vocational and Technical School**  
**OCR Case No. 01-16-1236**

The Greater New Bedford Regional Vocational and Technical School (the School) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. The School assures that it will take the following actions and will meet its obligation to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) or any other law enforced by OCR.<sup>1</sup> Prior to the completion of OCR's investigation, the School agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the School agrees to take the following actions, subject to the following terms:

This Resolution Agreement does not constitute an admission of liability or wrongdoing by the School.

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

Action Item

1. The School will take the following steps to ensure that every student with a primary home language other than English (PHLOTE) will be identified by the School:
  - a. The School will develop and implement a written policy and procedure for identifying and assessing all PHLOTE students in the School, including students from low incidence language groups.<sup>2</sup>
  - b. As part of the above policy and procedure, consistent with Title VI, the School will continue to distribute a Home Language Survey (HLS) in Spanish, English and Portuguese, 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 School may provide interpreters or other available resources to assist those LEP parents in completing the HLS.
  - c. The School 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). The School will also ensure that all students identified as PHLOTE are assessed after receiving student records from the sending school district, in order

---

<sup>1</sup> The School has expressed that it will promptly comply with the terms of this Resolution Agreement, and if so, the School anticipates that OCR will close the monitoring if all terms have been met.

<sup>2</sup> "Low incidence language groups" are those languages spoken at the School other than Portuguese or Spanish, including but not limited to Haitian Creole and Cape Verdean.

to determine the appropriate ELL services to be provided.

### Reporting Requirements

1. By **June 30, 2018,** the School will submit to OCR for review and approval, its procedures for interpreting HLS responses and identification and assessment of students in need of ELL services, its HLS in English, Spanish and Portuguese, and in all other languages for which it has developed a HLS for the 2017-2018 school year, and its procedures for identifying and assessing all PHLOTE students in other low incidence language groups; and, to the fullest extent practicable, providing interpreters to assist LEP parents in completing the HLS to assure that LEP parents have adequate notice of or meaningful access to the School's educational program consistent with Title VI.
  - a. Prior to the beginning of the 2018-2019 school year, subject to f OCR's approval of the policy and procedure, the School will submit to OCR documentation of its dissemination of the policy and procedure to staff and parents.
2. By **September 30, 2018,** the School will submit to OCR documentation (such as summary reports indicating student names, HLS responses, and assessment scores) of its implementation of the policy and procedure in Action Item A during the 2017-2018 school year.

## **B. Implementation of the Alternative Language Program in Vocational Education**

### Action Items

1. The School will ensure that it has developed a plan for implementation of its alternative language program that comports with the requirements of Title VI and its implementing regulation. The School shall ensure that its alternative language program provides for the provision of English language services<sup>3</sup> to all English Language Learner (ELL) students in all educational settings, including vocational education. This program will include a policy and procedure for how the School will serve ELL students by proficiency level and grade level in vocational education. The School will determine the specific alternate language programs/services that are appropriate for each of the School's ELL students, consistent with Title VI.
2. The School will ensure that all ELL students receive appropriate English language services, including appropriate placement into the alternative language program by taking the following actions:
  - a. The School will establish one or more language proficiency assessment committees

---

<sup>3</sup> 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 School's educational program, consistent with Title VI.

(Committees) based on need. The members of the Committee(s) will, at a minimum, include an English as a Second Language (ESL) teacher, a counselor, and a campus administrator (e.g., ELL Coordinator or designee). The School will convene a 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 School's alternative language program, including the type and amount of language development services to be provided to each student.

- b. If the School deviates from its established alternative language program in providing English language services, the School will document why the ELL student is not provided with alternative language services in accordance with the School's program.
  - c. The School will monitor the provision of alternate language services for ELL students and provide additional tutoring services as to each student who is not provided alternative language services in accordance with the School's program.
3. The School will provide notification of the placement for each ELL student and the opportunities derived from participation in the alternative language program to each ELL student's parent in a language LEP parents can understand. As an alternative to sending written notification to LEP parents for low incidence language groups, the School may use interpreters to provide this information to them.

#### Reporting Requirements

1. By **May 31, 2018**, the School will provide to OCR for review and approval, its plan, including its policy and procedure, for 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 **July 31, 2019**, the School will submit to OCR documentation of its implementation of the policy and procedure (such as summary reports of student ELL placement, number of hours of services, and scores on annual ELL assessments) and provision of additional tutoring services, as required by Action Items B.1 and B.2 during the 2018-2019 school year.
2. By **July 31, 2019**, (for school year 2018-2019), the School will submit to OCR the updated roster of all ELL students and the following information:
  - a. The total number of ELL students enrolled in the School, by grade level and proficiency level;
  - b. The total number of ELL students 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), as well as how many ELL services were received in the School's vocational (shop) classes;
  - d. For each ELL student not included in the alternative language program, or for whom the language program used deviated from the alternative language program, the student's grade level, proficiency level, reason for deviating or 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 whose parents opted out, the School will provide to OCR a copy of the information provided to the parent of students who opted out and documentation of when the School held a meeting with that parent and who was present during the meeting.
3. By **Sept. 30, 2018**, the School will provide to OCR a copy of the notification of the placement that was sent to parents of ELL students in accordance with Action Item B.3 for school year 2018-2019.

### **C. Staff Development**

#### Action Items

1. The School must ensure that there are a sufficient number of certified trained ESL teachers and staff 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. , the School will ensure that its ESL teachers provide ELL services consistent with the requirements of Title VI.
2. To the extent the School does not have the necessary certified, trained ESL teachers for school year 2017-2018, the School shall identify and describe the interim steps it will take to recruit certified, trained staff members to implement the alternative language program, which may include using current teaching staff who are ESL/ 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 teaching assistants.

#### Reporting Requirements

1. By **May 31, 2018**, the School will provide OCR with documentation describing how it staffs its alternative language program. This shall include the names and qualifications of teachers (including their certification and training as ESL teachers) as well as their

projected daily schedules and number of ELL students for each ESL classroom period identified. Additionally, if the School does not have an appropriate number of certified and trained ESL teachers to adequately staff its alternative language program for school year 2017-2018, the School will explain the interim steps it will take to provide adequate staffing for its alternative language program.

**D. Instructional Materials**

Action Item

1. By **May 31, 2018** the School will provide representative examples of instructional materials or curriculum 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 **August 1, 2018** (for school year 2018-2019), the School will submit to OCR a written narrative description of the instructional materials and how they are appropriate to the curriculum and comparable to non-ELL student materials that it has in place as well as ordered, by grade level, to be used in the alternative language program and regular classrooms. The School will also inform OCR of the quantity of materials it has and/or has ordered.

**E. Reclassification and Exit**

Action Items

1. The School 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 School 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 regular classroom.
2. The School will ensure that exited ELL students are participating meaningfully in the School's program. Specifically, the School 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. 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 qualify for additional English language services and/or providing additional support services such as tutoring, as appropriate.

#### Reporting Requirements

1. By **May 31, 2018**, the School will submit to OCR for review and approval, the exiting criteria being implemented by the School referenced in Action Item E.1.
  - a. Within **thirty (30) days** of OCR's approval of the School's exiting criteria, the School will provide a copy of the exiting criteria provided 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 School may provide interpreters to assist national origin minority LEP parents.
2. By **May 31, 2018**, the School will submit to OCR for review and approval, its policies and procedures to monitor the progress of students who exited the alternative language program pursuant to Action Item E.2.
  - a. By **September 1, 2018**, the School will provide a copy of the memorandum distributed to instructional staff and campus administrators regarding the monitoring requirements pursuant to Action Item E.2.

#### **F. Program Evaluation**

##### Action Items

1. The School 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 comparing ELL versus non-ELL students, and ELL students in the program versus ELL students not in the program including ACCESS scores. Factors to be compared will be, at a minimum, student performance, proficiency levels, attendance, retention, and graduation rates.

### Reporting Requirements

1. By **May 31, 2018**, the School 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, 2019**, for school year 2018-2019, the School will submit to OCR copies of its evaluations and descriptions of any modifications made to its alternative language program as a result of the evaluation.

## **G. Parental Communication**

### Action Items

1. The School 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 School will revise its procedures to ensure that:
  - a. The procedures will specify how the School will provide language assistance services, which may include interpreters, written translations, or other reasonable alternatives, to LEP parents, including parents from low incidence language groups.
  - b. The School 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 School has a process by which School 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 School's means for providing these services must be well-publicized and accessible to staff.
  - d. The School 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 School's website, in the student and parent handbooks, and School-wide 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 School will ensure 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 School 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 School generates and sends commonly used documents to parents of students enrolled in the School, the School 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 School will advise parents of whom to contact in the School if they need assistance in understanding notices and will provide oral interpretation or another reasonable alternative, as necessary, for the parents.

#### Reporting Requirements

1. By **May 31, 2018**, the School will submit to OCR for review and approval, a copy of its revised policies and procedures concerning parental communication.
  - a. Within **thirty (30) days** of OCR's approval of the revised policies, the School 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.
2. By **June 30, 2019**, for school year 2018-2019, the School will submit to OCR documentation of its implementation of the policy and procedure in Action Item H.1. 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.
3. By **September 30, 2018**, the School will provide training to School administrators and other staff members involved in the provision of interpreter and translation services on the revised policies and procedures.
  - a. By **October 15, 2018**, the School 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.



## **H. Vocational Programs**

### Action Item

1. The School will review the participation of ELL students in the School’s vocational programs. The School’s review will include, at a minimum:
  - a. An assessment of whether any School policies, procedures, and/or practices preclude or otherwise limit ELL students from participating in the School’s vocational programs;
  - b. The methods used to disseminate information about the School’s vocational programs, including the languages in which the information is provided;

### Reporting Requirement

1. By **May 31, 2018**, the School will provide OCR a written description of the School’s review of the participation of ELL students in the School’s vocational programs. The description will include the information gathered, including information on the number of ELLs enrolled in each of the School’s vocational programs, and any actions the School plans to take in response to the review.

## **I. Determination of the Need for Additional Support Services**

### Action Items

1. For the 2017-2018 school year, the School will determine whether each ELL student at the School received sufficient and appropriate English language acquisition services to enable the Student to make meaningful progress toward English language acquisition, as measured by improvement on the ACCESS or other standardized assessment, and if a student did not make meaningful progress toward English language acquisition, as measured by improvement on the ACCESS or other standardized assessment, the School will determine the appropriate number of hours support services to be provided in view of the student’s unique English proficiency level, grade level, and educational background and will provide these additional support services.
2. The School will provide additional support services to all ELL students who it determines would benefit from such services, as described in Action Item I.1, above.

### Reporting Requirements

1. By **July 15, 2018**, the School will provide OCR with a list, by name, indicating its determination regarding whether each ELL student at the School received sufficient and appropriate language acquisition services to enable the Student to make meaningful progress toward English language acquisition, as measured by improvement on the

ACCESS or other standardized assessment. For each student who did not receive the sufficient and appropriate language acquisition services, as measured by improvement on the ACCESS or other standardized assessment,, the School shall indicate the number of hours of additional support services to be provided.

2. By **January 1, 2019**, the School will provide to OCR documentation demonstrating that it provided additional support services to all ELL students who it determined would benefit from such services, as set forth in Action Item I.2, above.

### **General Requirements**

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, Section 504, Title II, at 34 C.F.R. Part 100, 34 C.F.R. Part 104, 28 C.F.R. Part 35, which was at issue in this case.

The School understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the School has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the School's representative below.

/s/

\_\_\_\_\_  
Superintendent James O'Brien  
Greater New Bedford Regional Vocational Technical High School

March 12, 2018

\_\_\_\_\_  
Date