

VOLUNTARY RESOLUTION AGREEMENT

New York City Department of Education OCR Case Nos. 02-16-1110

In order to resolve Allegation 1 of Case No. 02-16-1110, the New York City Department of Education (the “NYCDOE”) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

This Resolution Agreement applies to the English as a New Language (ENL) instructional program for students who are English Language Learners (ELL) at the NYCDOE’s Quest to Learn School (the School). The NYCDOE voluntarily agrees to take the following actions:

Action Item A: Implementation of the Alternative Language Program at the School

1. By December 30, 2016, the NYCDOE will ensure that all ELL students at the School receive appropriate ENL instruction in accordance with the School’s Language Allocation Policy (LAP). Specifically:
 - a. If the School fails to schedule ELL student(s) for their mandated minutes and/or method of ENL instruction, the NYCDOE will document what occurred and why.
 - b. The NYCDOE will ensure that appropriate personnel at the School are trained to use STARS, the web-based system for recording students’ programs and academic information, including the proper method of recording ENL services.

Reporting Requirements:

- a) By June 30, 2017, the NYCDOE will submit to OCR documentation of the School’s implementation of the LAP, specifically, the updated roster of all ELL students at the School, by grade level and proficiency level, including the total number of ELL students at the School who receive alternative language program services; the services provided to those students receiving alternative language program services (e.g., 45 minutes of “push-in” instruction / 5 times per week); and for each ELL student not included in the alternative language program, a statement of the reasons the student is not participating in the alternative language program, a description of the language support services being provided to the student, and a description of the student’s academic progress and whether he or she is able to participate meaningfully in the regular instructional program, as set out in Action Item A.1(a), during school year 2016-2017.
- b) By June 30, 2017, the NYCDOE will submit to OCR documentation confirming that appropriate personnel at the School are trained to use STARS, the web-based system for recording students’ programs and academic information, including the proper method of recording ENL services, as set out in Action Item A.1(b), during school year 2016-2017.

Action Item B: Alternative Language Program Staff Development

1. By December 30, 2016, the NYCDOE will make reasonable efforts to ensure that a sufficient number of ENL teachers are assigned to the School to implement the LAP. Additionally, the NYCDOE will ensure that in the event the assigned ENL teacher is unavailable, the School will provide ENL instruction via a substitute teacher or other appropriate arrangement.
2. By December 30, 2016, the NYCDOE will send an ENL coach to the School a minimum of three times to provide guidance and technical support to ENL staff and administrators. This will be done to ensure that ENL teachers at the School are providing services that are consistent with the School's LAP.
3. By December 30, 2016, the NYCDOE will offer a minimum of two off-site ELL-specific professional development opportunities to ENL teachers and supervisors at the School.

Reporting Requirements:

- a) By December 30, 2016, the NYCDOE will provide documentation of the names and qualifications of all ENL teachers at the School (including their certification as ENL teachers), and for school year 2016-2017, their daily schedules, the number of ELL students for each ENL classroom period and method of instruction (e.g., “push-in” or “pull-out”), and the English language proficiency level(s) of the students in each classroom period. Additionally, if the NYCDOE does not have an appropriate number of certified ENL teachers to adequately staff its alternative language program for school year 2016-2017:
 - i. By December 30, 2016, the NYCDOE will provide to OCR a copy of the job vacancy posting as evidence of the School’s efforts to secure a qualified ENL teacher, in accordance with Action Item B.1; and
 - ii. By June 30, 2017, the NYCDOE will provide to OCR confirmation (including supporting documentation as necessary) that interim steps were taken during the 2016-2017 school year to secure an appropriate number of certified ENL teachers, in accordance with Action Item B.1.
- b) By June 30, 2017, the NYCDOE will provide to OCR documentation that the School provided ENL instruction to ELL students when the School’s ENL teachers were absent or otherwise unavailable, either by providing a substitute teacher, or by providing compensatory ELL services.
- c) By December 30, 2016, the NYCDOE will provide the name of the ENL coach assigned to the School, the dates on which the coach visited the school and a brief description of the technical assistance provided to staff and administrators, in accordance with Action Item B.2.

- d) By December 30, 2016, the NYCDOE will provide to OCR confirmation of the off-site ELL-specific professional development opportunities offered to the School's ENL teachers and supervisors, including the titles and dates of the professional developments that were offered, and the names of the School's ENL teachers and supervisors in attendance, in accordance with Action Item B.3.

Action Item C: LAP Parent Meetings

By November 30, 2016, the School will offer to meet individually with the parents of every ELL student at the School to provide information regarding the LAP (including identification and assessment of students, alternative language services, exit criteria, and post-exit services) and the progress of their child. Interpreters will be made available for such meetings, as necessary.

Reporting Requirement:

By December 30, 2016, the NYCDOE will provide to OCR documentation regarding the LAP parent meetings for school year 2016-2017, including how the meetings were advertised, the dates of the meetings, the number of students whose parents/guardians were in attendance, and a description of the information provided during the meetings.

Action Item D: Assessment of ENL Instruction for ELL Students

1. By September 30, 2016, the NYCDOE will develop and complete an assessment of the ENL services provided to the School's ELL students during school year 2015-2016. The assessment will determine the number of instructional minutes each ELL student at the School received during school year 2015-2016, the method(s) of instruction provided to each ELL student at the School during school year 2015-2016, and the dates and methods of assessment of each ELL student at the School during the Spring of 2015 through school year 2015-2016. Through this assessment, the NYCDOE will determine whether any ELL students did not receive the required amount of ENL instruction during school year 2015-2016, require remedial services, and take appropriate steps to provide such remedial services.

Reporting Requirements:

- a) By September 30, 2016, the NYCDOE will provide to OCR the number of instructional minutes each ELL student at the School was entitled to receive during school year 2015-2016 and the number of instructional minutes that each student received during school year 2015-2016 as yielded in accordance with Action Item D.1; and whether, based on the assessment, ELL students at the School did not receive the required amount of ENL instruction in school year 2015-2016.
 - i. If the NYCDOE determines that any ELL students, and/or the Student, who did not receive the required amount of ENL instruction in school year 2015-2016 require remedial services, the NYCDOE will create a plan for the delivery of such services, which will be submitted to OCR for review. The plan will include

the timeframe and method for the delivery of such services, and will ensure that the ENL instruction is appropriately provided. OCR will respond within 15 calendar days. OCR's review of the plan will not interfere with the School's ability to program students in accordance with the students' academic requirements for graduation. The School will have the discretion to determine whether the remedial services will be provided in the form of "push in" or "pull out" services, depending on the best interests of the student(s) and the needs of the school. Parents will retain the right to "opt out" of the School's plan for the delivery of remedial services.

- ii. If the NYCDOE determines that any student who did not receive the required amount of ENL instruction in school year 2015-2016 does *not* require remedial services, the NYCDOE will submit to OCR documentation identifying the person(s) involved in making the determination; explaining the basis for the determination; and a description of the information considered in making the determination.

- b) By June 30, 2017, the NYCDOE will provide remedial ELL services for any student(s) that the NYCDOE determines did not receive the required amount of ENL instruction in school year 2015-2016.

- c) By August 1, 2017, the NYCDOE will provide confirmation to OCR (including supporting documentation as necessary) that it has implemented its plan to provide any required remedial services.

The NYCDOE understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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), (b)(1) and (2), which were at issue in this case. The NYCDOE 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 NYCDOE understands that during the monitoring of this agreement, if necessary, OCR may visit the NYCDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the NYCDOE 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), (b)(1) and (2), which were at issue in this case. The NYCDOE 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 proceeding to enforce this agreement, OCR shall give the NYCDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

July 22, 2016
Date

/s/
NYCDOE Representative