

Resolution Agreement
Milwaukee Public Schools

The U.S. Department of Education, Office for Civil Rights (OCR) and the Milwaukee Public Schools (District) enter into this Resolution Agreement (Agreement) to resolve OCR Case No. 05-09-1252, a 2009 complaint of national origin discrimination. The District has fully cooperated with OCR in this case by being responsive to OCR's requests for documents, data and interviews of District staff. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7, and its implementing regulation at 34 C.F.R. § 100, which prohibits discrimination on the basis of national origin in any education program or activity receiving Federal financial assistance.

The District has taken many positive and productive actions to enhance educational services for Hispanic national origin minority English Language Learner (ELL) students, including modifying its educational services for these students based on an external evaluation of the District's bilingual program completed by a District-hired consultant in 2014 and an internal evaluation done by the District in 2017. The District has continued to modify and enhance its educational services for Hispanic ELL students and is committed to work towards the further improvement of services. This Agreement furthers the District's commitment to ensure that Hispanic ELL students are not denied educational opportunities on the basis of national origin.

The District agrees to ensure the continuation of District efforts to provide high quality, high standards education to all Hispanic students in the District who are English language learners. The District voluntarily agrees to take the steps outlined in this Agreement to ensure that Hispanic ELL students in the District receive the services they need to participate meaningfully in the District's educational program.

A. Program Evaluation and Modification

The District will continue to evaluate the effectiveness of its alternative language program (ALP) for Hispanic ELL students and identify modifications it will make to improve the program's effectiveness. In this regard, the District will complete a comprehensive internal evaluation of all elements of the ALP for Hispanic ELL students, including: identification of potential ELL students; assessment of such students' English language proficiency; provision of English language development and other services to all ELL students; provision of personnel and resources consistent with program design and students' needs; exiting of ELL students from the program; monitoring of former ELL students' academic performance; access by ELL students to special education and other specialized programs; and, the effectiveness of communication with parents. This evaluation will also examine Hispanic ELL students' progress in English language development and academic achievement.

Reporting Requirements

1. By May 3, 2021, the District will submit to OCR a copy of its program evaluation. The District will also submit its proposed modifications to the ALP that identifies implementation resources and time frames with implementation starting by August 6, 2021.

2. By October 15, 2021, and October 14, 2022, the District will submit to OCR documentation demonstrating implementation of its proposed modifications.

B. Staffing and Staff Development

The District will provide qualified and sufficient staff to effectively carry out its ALP for Hispanic ELL students. To this end:

1. The District will conduct a review of staffing to determine whether it is providing personnel that are appropriate and sufficient to effectively implement its ALP service model(s) for the instruction of Hispanic ELL students. This will include examination of the qualifications and number of teachers, paraprofessionals and specialists to assess whether they are consistent with the design of the ALP and the educational needs of the students at each school. The analysis of sufficiency of staffing shall include consideration of staffing in relation to the staffing within the District's general curriculum to ensure equity in service across the curriculum.
2. Based on its review, the District will develop a staffing plan designed to further the provision of effective services to Hispanic ELL students. As may be appropriate, the plan will identify the schools needing additional staff and the number and type of staff needed, provide for the implementation of a plan to recruit, hire and retain additional qualified staff, and describe actions to promote the transition of bilingual teachers that have a teaching license with stipulations to having a supplemental bilingual/bicultural education license.

The instruction and/or special education-related services provided directly to Hispanic ELL students are to be provided by qualified staff, which includes professionals licensed by the Wisconsin Department of Public Instruction (WDPI) to provide the services required by their assignments. Bilingual paraprofessionals must have the appropriate level of language proficiency in the Spanish and English languages and are to provide assistance to students under the direct supervision of a qualified teacher and are not to perform teaching duties independently in place of teachers unless they have an appropriate teaching license or permit from WDPI.

3. The District will continue to offer and provide professional development or training opportunities to teachers. In the current and into the next school year, for staff at schools that offer bilingual and/or stand-alone ESL programs these efforts will at a minimum cover:
 - a. To all general education and monolingual special education teachers who provide instruction to Hispanic ELL and former ELL students or to Hispanic ELL students whose parents have declined ALP *services* for their child on the use of teaching approaches and methods for making content area instruction meaningful to ELL students.
 - b. To all newly hired bilingual and ESL teachers on the goals and framework of the ALP and on this topic to all other bilingual and ESL teachers who have not received such training in the last two completed school years.

Reporting Requirements

1. By May 3, 2021, the District will provide OCR with documentation of the staffing review and plan referenced in items B1 and B2.
2. By October 15, 2021, the District will provide OCR with documentation of and results from its recruitment, hiring, retention, and other efforts pursuant to item B2.
3. By October 15, 2021, and October 14, 2022, the District will provide OCR with documentation demonstrating implementation of item B3.
4. By January 14, 2022, the District will provide OCR with documentation demonstrating that qualified and sufficient staff are effectively carrying out its ALP for Hispanic ELL students pursuant to item B3.

C. Alternative Language Program Participation and Access to the Curriculum

Identification and Assessment

1. The District will continue to implement its current procedures for identifying Hispanic students with a primary or home language other than English and assessing their initial and/or continued eligibility for participation in the ALP. The timely administration of the Home Language Survey and, if appropriate, applicable English language proficiency assessment(s) and other data used in making determinations will be documented in each student's cumulative record.

Reporting Requirements

1. By January 29, 2021, the District will provide OCR with documentation demonstrating that all newly enrolled Hispanic students with a primary or home language other than English have been timely identified, and that all initial screenings and annual assessments with ACCESS to determine eligibility for the ALP for the 2020-21 school year were completed. The documentation will include, where applicable, an explanation for non-placement into the ALP where assessment scores indicate eligibility and also evidence of parental permission for and/or declination of ALP participation.

Provision of English Language Development Services

2. The District will ensure it is meeting the needs of Hispanic ELL students with respect to the adequacy and sufficiency of English as a Second Language (ESL) instruction that is part of the ALP. To this end:
 - a. The District will conduct a review of the ESL services that are being provided to assess whether the amounts are consistent with the District's program design and students' needs.

- b. Based on this review and its review of ESL staffing covered under B1 and B2 above, the District will identify modifications to make to improve effectiveness in providing ESL services to Hispanic ELL students. Identified modifications regarding the adequacy and sufficiency of ESL instruction will be included in its proposed plan for modifying the ALP that is referenced in Part A of this Agreement.

Reporting Requirements

1. By August 6, 2021, the District will provide OCR with documentation of the review, including data maintenance for assessing ESL servicing, and proposed modifications as referenced in items C2a and C2b.
2. By October 15, 2021, and February 12, 2022, the District will provide OCR with documentation demonstrating implementation of the proposed modifications.

Exiting and Monitoring

3. The District will continue to implement its current procedures for exiting Hispanic ELL students from the ALP. The data that support exits will be documented in each exited student's cumulative record.
4. The District will continue to use its current procedures for monitoring the individual progress of Hispanic former ELL students and Hispanic ELL students whose parents have declined ALP services for their child. Assistance will be provided to students whose monitoring assessments indicate a need for academic support, which will be documented in the students' cumulative records.
5. The District will review the progress of any currently enrolled Hispanic students who either were exited from ALP services at the conclusion of the 2019-20 school year without meeting the District's established exit criteria or were not assigned to receive such services in the 2019-20 school year though their ACCESS scores indicated eligibility, without in either situation there being a showing of refusal of service by their parents. For any such students who may have experienced academic deficits as shown by unsatisfactory performance during the final term of the 2019-20 school year in one or more core content classes (English Language Arts, Math, Science, or Social Studies), the District will offer and provide appropriate supplementary services with parental approval, and, if appropriate, an offer of ALP re-entry.
6. For currently enrolled Hispanic ELL students whose parents declined ALP services for their child, the District will provide the parents with the latest results of applicable assessments and an explanation of the benefits of ALP services. The District will also provide these parents an opportunity to participate in a meeting with District staff, in an understandable language, to meaningfully explain the goals, objectives, and benefits of ALP services.

Reporting Requirements

1. By August 6, 2021, the District will provide OCR with documentation demonstrating that all Hispanic students exited or exiting from the ALP during the 2020-21 school year met the established exit criteria. The documentation will include, where applicable, an

explanation for any exits where assessment scores indicate ALP eligibility, and parental permission for and/or declination of placement.

2. By August 6, 2021, the District will provide OCR with documentation demonstrating that all Hispanic former ELL students and Hispanic ELL students whose parents declined ALP services for their child received academic assistance where monitoring assessments in the 2020-21 school year indicated a need for academic support. This documentation will include their assessment results and description of academic assistance provided.
3. By August 6, 2021, the District will provide OCR with documentation demonstrating implementation of items C5 and C6.

Access to Content Area Courses

7. The District will continue with actions that ensure Hispanic ELL students at all grade levels receive content area instruction that is aligned with the District's curricular objectives. To this end:
 - a. The District will review the adequacy and sufficiency of instructional materials for providing access to core content instruction to Hispanic ELL students, including in special education. The review will examine whether the materials are appropriate to the curriculum and are comparable in quality, availability and grade level to the materials provided for the instruction of non-ELL students. Based on this review, necessary improvements will be identified in the District's proposed plan for modifying the ALP that is referenced in Part A of this Agreement.
 - b. The District will review the content-based high school curriculum offered to Hispanic ELL students and compare it to the high school curriculum offered to non-ELL students to ensure a comparable curriculum is being offered to the ELL students, including access to the International Baccalaureate program. Based on this review, necessary changes will be implemented to the curriculum starting in the 2021-22 school year.
 - c. The District will implement procedures for ensuring that adequate support services are available to Hispanic ELL high school students for their effective participation in general education content area courses so that those in need of academic assistance are provided appropriate support, interventions or other services.

Reporting Requirements

1. By May 3, 2021, the District will provide OCR with documentation of the review of instructional materials and proposed modifications as referenced in item C7a.
2. By October 15, 2021, the District will provide OCR with documentation of the review of high school curricula and proposed changes as referenced in item C7b. By October 14, 2022, the District will provide documentation demonstrating implementation of the changes.
3. By May 3, 2021, the District will provide OCR with the procedures referenced in item C7c and by October 15, 2021, documentation demonstrating their implementation.

Dual Services: English Language Development and Special Education or Related Services

8. The District will continue with actions that ensure it is meeting the English language development and special education or related services needs of Hispanic ELL students who are also eligible for special education or related services. To this end:
 - a. The District will conduct a review of the English language development and special education or related service services that are being provided to dual-eligible students to assess consistency in the provision of servicing.
 - b. Based on its review, the District will identify modifications to make to improve effectiveness in providing dual services. Identified modifications will be included in its proposed plan for modifying the ALP that is referenced in Part A of this Agreement.
 - c. The District will appropriately consider whether a bilingual psychologist, social worker, and/or speech and language pathologist is needed for the evaluation of Hispanic ELL students' eligibility for special education or related services and bilingual personnel who are appropriately licensed will be used when determined necessary.
 - d. The District will appropriately consider whether bilingual special education or related services are necessary for Hispanic ELL students who are eligible for special education or related services. Where such services are not available to meet the special education needs of the identified ELL students who participate in the bilingual program, qualified and trained bilingual staff will be used to assist the special education staff in the provision of special education or related services.

Reporting Requirements

1. By May 3, 2021, the District will provide OCR with documentation of the review of dual services, including data maintenance for assessing dual servicing, and proposed modifications as referenced in items C8a and C8b.
2. By October 15, 2021, and February 12, 2022, the District will provide OCR with documentation demonstrating implementation of the proposed modifications.
3. By October 15, 2021, the District will provide OCR with documentation demonstrating implementation of item C8c and C8d with respect to the 2020-21 school year.

D. Parental Communication

The District will continue with its actions to consistently provide appropriate translation and interpreter services for ensuring meaningful communication with Hispanic limited-English proficient (LEP) parents of students enrolled at its schools about any program, service, or activity that is called to the attention of other parents. To this end the District will review and clarify as may be appropriate its current practices and procedures on providing such services

to Hispanic LEP parents, as follows:

1. The District will ensure that information it maintains that identifies Hispanic LEP parents who require translation or interpreter services and the type of language assistance they need are readily available to teachers and other school personnel who need to communicate with such parents.
2. The District will ensure that Hispanic LEP parents are effectively notified of where and how to request at school an interpreter or translator.
3. The District will ensure that adequately trained and qualified translators or interpreters are used by teachers and other school staff as may be needed to communicate with Hispanic LEP parents. The District will remind teachers and other school staff of its guidance that children must not be used as translators or interpreters. Where children are voluntarily chosen by parents, the District shall provide its own translator or translator.
4. The District will ensure that its record-keeping system of interpreter and translator services for Hispanic LEP parents covers services requested and provided at schools with respect to type and purpose (e.g., interpretation for parent-teacher conference) and provider. Documentation will be kept showing that the provider has the skills and proficiency to interpret or translate.
5. The District will review its current practices and procedures and make needed modifications to ensure the accuracy and timely provision of District- and school-based written translations to Hispanic LEP parents, including report cards, IEPs and other essential documents.

Reporting Requirements

1. By January 29, 2021, the District will provide OCR with documentation demonstrating implementation of items D1 and D2.
2. By May 3, 2021, the District will provide OCR with documentation demonstrating implementation of item D3.
3. By October 15, 2021, the District will provide OCR with documentation demonstrating implementation of items D4 and D5.

E. General Provisions

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR shall close this case.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

For the District: Signature/Title

Date