

RESOLUTION AGREEMENT
Harmony Public Schools Compliance Review
Case Number 06-11-5004

To ensure compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.* (Title VI), which prohibits discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs or activities operated by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public elementary and secondary public elementary and secondary school systems, Harmony Public Schools (HPS), Houston, TX (hereinafter referred to as HPS) voluntarily agrees to take the actions listed below at all of its schools to resolve the above-referenced compliance review. HPS is committed to ensuring that it takes effective measures to promote and ensure equal opportunities for all students, including English Language Learner (ELL) students and students with disabilities, to enroll and participate in its schools and programs. This review does not address HPS' compliance with any other statutes or regulations other than those listed above.

RESOLUTION ACTIONS

Action Item #1: ELL Communications Plan

By **December 1, 2014**, HPS will review and revise policies and procedures as necessary, and submit for OCR review and approval, a communications plan (“ELL Communication Plan”) to ensure that it provides meaningful access to national origin minority limited English proficient (LEP) parents and guardians to its charter school programs and activities, specifically with respect to communication regarding student recruitment and admissions and enrollment. The ELL Communication Plan will ensure that LEP parents are notified, in a language understood by the parents, of information about charter school programs and activities that is called to the attention of other non-LEP parents. The Communication Plan will:

- A. Specify, for each Communication Plan item, the corresponding policies, procedures, documentation or data, and persons responsible for oversight of implementation.
- B. Require translation into predominant languages of the promotional materials for charter schools (brochures, flyers, letters, postcards, emails, etc.), including the following specific admission and enrollment materials:
 - 1. Online applications and application instructions
 - 2. Recruitment brochures/notices
 - 3. Online descriptions of campus alternative language programs (ALP), including the benefits and services of the charters schools, and the schools' admission criteria, application and enrollment processes, the availability of language assistance services for LEP parents (*i.e.*, interpreters and translators), the availability of language

development services for ELL students, and the name and contact information for a staff person who can answer questions about the charter school program.

4. Online HPS Catalogs and Student/Parent Handbooks and related materials
- C. Require, for lower incidence languages, or where translations are not feasible, that the charter schools ensure that LEP parents have been advised, in a language they can understand, of who to contact in the charter schools if they need assistance in understanding notices or communication about the charter school or with the charter school staff.
- D. Require the provision of language assistance services at all enrollment and recruiting events (*e.g.*, charter school fairs, informational meetings, open houses, school tours).
- E. Require notice of the availability of HPS' language assistance programs at the charter schools during all campus Open House recruiting events.
- F. Require notice be provided to charter school staff of the documents that have been translated and where they can be obtained.
- G. Training of all relevant HPS administrators and staff regarding the elements of the ELL Communication Plan.
- H. Within thirty (30) days of OCR's approval of the ELL Communication Plan, HPS will train all relevant administrators and staff regarding their responsibilities in implementing the ELL Communication Plan. HPS will begin full implementation of the ELL Communication Plan by no later than the January 2015 application period for the 2015-2016 school year.

REPORTING REQUIREMENTS:

1. **By December 1, 2014**, HPS will submit to OCR, for review and approval, a copy of the ELL Communication Plan it has developed pursuant to the Action Item above.
2. **Within thirty (30) calendar days** of the receipt of the above ELL Communication Plan, OCR will complete its review of the plan and notify HPS whether it has approved the plan or whether revisions to the plan are needed.
3. **Within thirty (30) calendar days** of receipt of written notification from OCR of approval of the ELL Communication Plan, HPS will provide documentation to OCR evidencing that the training required by Action Item #1 has been completed, including the identity of the individual(s) conducting the training and the individual(s)'s qualifications, along with a copy of the materials or a summary of material covered in the training and sign-in sheet(s) or other documentation showing the individuals who attended the training.
4. **Within thirty (30) calendar days** of the completion of the above training, HPS will provide documentation to OCR showing that the ELL Communication Plan described in Action Item #1 has been fully implemented. This documentation will include examples of (or website links to) the described online student recruitment and application materials, language

assistance program descriptions, and related materials to effectively communicate with ELL parents. The documentation will also include the date(s) and a description of the method used that HPS used to distribute paper translated student application forms and recruitment brochures to each campus.

Action Item #2: Alternative Language Program

By December 1, 2014, HPS will develop a comprehensive plan [Alternative Language Program (ALP plan)] for all its campuses regarding the provision of services to ELL students. As part of the ALP plan, HPS will take the following steps:

- A. Regarding the identification of ELL students, HPS will review, and revise as needed, its procedures for identifying potential ELL students upon enrollment, including how it obtains and uses information from the student's previous school district as to the student's ELL status and the language assistance services provided by that district. The HPS' Home Language Survey will be translated into Spanish and any other predominant languages other than English. For lower incidence languages, HPS will have translated versions of the survey available or will advise LEP parents, in a language they understand, of whom to contact at HPS if they need assistance in understanding or completing the survey. For all students whose Home Language Survey (HLS) indicates a home language other than English, the review should address contacting student's prior school to determine whether the student has previously been identified as ELL, has previously participated in an ESL or Bilingual Education (BE) program, or has been exited from ELL status;
- B. Regarding assessment of potential ELL students, HPS will review, and revise as needed, its procedures for promptly and objectively assessing students identified as having a primary or home language other than English to determine their proficiency in reading, writing, speaking, and understanding English. HPS will notify ELL students' parents of the assessment results and the ALP services to be provided in a language they understand.
- C. HPS will provide language development services (*i.e.*, ALP services) that are necessary for effective participation of qualified ELL students in all of the charter schools. The ALP plan will specifically outline how HPS will provide English language services and instruction necessary for effective participation to ELL students enrolled in the charter schools.
- D. HPS will develop a system to maintain records for all ELL students enrolled in charter schools that will include information that allows HPS to track the services provided to ELL students, such as student name, school grade level, assessment results, proficiency level, and the type amount and time of language services to be provided.
- E. HPS will provide language services to students whose parents have declined or opted out of the ALP, by monitoring students' academic progress and providing other language support services for such students. Specifically:

- a. HPS will develop a policy or procedure to monitor the academic progress of students whose parents opted them out of the ALP to ensure they are able to participate meaningfully in the regular instructional program.
 - b. HPS will contact the parent/guardian of each of the students who are not being served by the ALP because of parent denials or for other reasons, to inform the parent of the student's opportunity to participate in the ALP. HPS will provide the parent/guardian with information about the results of the assessment of the student and the benefits of the program. HPS will conduct a meeting with the parent/guardian, in a language he/she can understand, to explain the goals and objectives of the ALP.
- F. Regarding ALP staffing, HPS will ensure that ALP staff and providers are qualified for their positions and that program staffing is sufficient to provide ELL students the ALP services necessary to meet their needs.
- G. Regarding ALP instructional materials and program facilities, HPS will ensure that appropriate instructional materials are provided for the ALP program. HPS will also ensure that instructional materials are comparable to those provided to all students.
- H. Regarding exit criteria, HPS will articulate appropriate criteria for determining when HPS should exit a charter school student from the ALP.
- I. Regarding monitoring students exited from the ALP, HPS will also ensure that ALP personnel monitor the academic and English language proficiency of students exited from the ALP for at least two years after their exit from the ALP. HPS will ensure that ALP personnel monitoring the exited student will consider, at minimum, report cards, progress reports, teacher input, and standardized test scores to determine whether to place the ELL student back in the ALP. HPS will assess whether each charter school student exited from the ALP is able to achieve without ALP services and if an exited student is unable to achieve without ALP services, HPS will determine the ALP services to be provided to the ELL student. HPS will also ensure that the students who do not exhibit adequate progress receive specific interventions throughout the school year and that the monitoring and interventions are documented. HPS will promptly notify ELL students' parents of the assessment results in a language they understand and the ALP services to be provided in a language they understand.
- J. Regarding program evaluation, HPS will develop procedures for annually evaluating and measuring the effectiveness of its ALP in providing ELL students enrolled in charter schools a meaningful opportunity to develop English-language skills and benefit from the charter schools' educational programs. HPS will ensure that it makes prompt and appropriate changes to its ALP based on the evaluation.
- K. Within thirty (30) calendar days of OCR's approval of the ALP plan, HPS will provide training on the plan to all personnel, including regular education teachers, who serve ELL students (including students whose parents have denied ALP placement).

REPORTING REQUIREMENTS:

1. **By December 1, 2014**, HPS will submit to OCR, for review and approval, a copy of the above comprehensive ALP plan it has developed pursuant to Action Item 2 above. Additionally, HPS will submit documentation, including but not limited to, its Home Language Survey, any data collected pursuant to the development of the plan, such as a list of instruction materials used with ELL students and documentation demonstrating that the materials are appropriate, documents demonstrating monitoring of ELL student progress, staffing information, a list of all students who exited the ALP during the 2013-14 and 2014-15 (to date) school years and an indication of whether each student was able to achieve without ALP services, including grades and academic achievement data, and information about where ELL students are receiving ALP services. If a student was unable to achieve without ALP services, provide documentation that the student was again provided with ALP services and appropriate notice provided to the student's parents.
2. **Within thirty (30) calendar days** of the receipt of the above plan, OCR will complete its review of the comprehensive ALP plan and notify HPS whether it has approved the plan or whether revisions to the plan are needed.
3. **Within thirty (30) calendar days** of receipt of written notification from OCR of approval of the comprehensive ALP plan, HPS will provide documentation to OCR that the above plan has been fully implemented. **By June 30, 2015**, and by the same date annually thereafter, HPS will submit to OCR documentation showing documentation of its implementation of its approved plan. This documentation will include for each school, but not be limited to: the total number of ELL students enrolled, by grade level and proficiency level; the total number of ELL students who receive ALP services; and the ALP services provided to each student including information about the students' grade and proficiency levels. For each ELL student not included in the ALP, 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, HPS will provide to OCR a copy of the information provided to the parent/guardian of the unserved student and information about other language support provided to the student.
4. **Within sixty (60) calendar days** of receipt of written notification from OCR of approval of the ALP plan for the training described under Action Item 2(K), HPS will provide documentation to OCR evidencing that the above training has been completed. The documentation will include the identity of the individual(s) conducting the training and the individual(s)'s qualifications, along with a copy of the materials or a summary of material covered in the training and sign-in sheet(s) or other documentation showing the individuals who attended the training.
5. **By June 30, 2015**, and by the same date annually thereafter, HPS will provide to OCR a year-end report demonstrating its implementation of the evaluation conducted pursuant to this Agreement, including copies of evaluation reports, conclusions and recommendations,

and whether HPS is implementing the recommendations and, for any recommendations not adopted, an explanation of why the recommendation(s) was not adopted. Throughout the course of this agreement, HPS will submit for OCR review and approval any changes to the ALP plan approved by OCR prior to their implementation.

Action Item #3: Policies and Procedures Relating to Students with Disabilities

By December 1, 2014, HPS will review and revise as necessary its evaluation and placement procedures for students who are believed to, because of disability, need special education or related services to ensure:

- A. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the test producer's instructions; and
- B. Section 504 evaluation data used to evaluate the educational needs of students with disabilities is properly documented in students' records.

By December 1, 2014, HPS will revise its nondiscrimination notices in all formats (e.g., student handbook, brochures, websites, etc.) to include the coordinator(s)'s name or title, office address(es), and telephone number(s) of its Section 504/Title II coordinator(s).

REPORTING REQUIREMENTS:

1. **By December 15, 2014**, HPS shall submit to OCR, for review and approval, copies of any revised Section 504 procedures and copies of the revised notice of the Section 504/ADA coordinator in the Student-Parent Handbook.
2. **Within thirty (30) calendar days** of the receipt of the above documentation, OCR will complete its review of the above information and notify HPS whether it has approved the above revisions to Section 504 evaluation and placement procedures, or whether further revisions are needed.
3. **Within thirty (30) calendar days** of receipt of written notification from OCR of approval of the above revised procedures and notice, HPS will provide documentation to OCR that it has fully implemented the approved revised Section 504 procedure.

Action Item #4: Application to and Recruitment for Charter Schools

- A. **By February 1, 2015**, HPS will review, and revise as necessary, and submit for OCR review and approval the process and procedures by which students are admitted to its schools to ensure that all students have an equal opportunity to enroll in the charter schools. The review will include the information below (as well as information from other Items in this Agreement):

1. Review of HPS' enrollment data for ELL students and students with disabilities in each of its schools;
 2. Input from staff and others (e.g., educational experts, parent and community groups, etc.) concerning factors that may contribute to the significant underrepresentation of ELL students and students with disabilities in its schools.
 3. Review and assessment of any other potential barriers to increased participation by ELL students and students with disabilities in its schools, including but not limited to:
 - a. Communication and outreach to students and parents/guidance about the charter schools and availability of language assistance services for ELL students and a free, appropriate education for students with disabilities at the charter schools
 - b. Advertisement of schools;
 - c. Peer pressure with regard to attending charter schools;
 - d. Actions by public school guidance counselors that discourage students from enrolling in charter schools; and
 - e. Early awareness on the part of students and parents/guardians of the benefits of attending the charter schools.
 4. Review and assessment of which methods undertaken by HPS to date have been effective for promoting early awareness of the benefits of attending HPS' charter schools.
 5. Recommendations for the modification of the lottery process to ensure that the process is fair and equitable.
- B. **By February 1, 2015**, HPS will produce a report summarizing the results of its review and its recommendations and proposed plans made in response thereto, in order to facilitate its efforts to provide all students with equal access and an equal opportunity to enroll in its charter schools.
- C. **By March 1, 2015**, HPS shall update relevant print and on-line publications to include necessary information concerning the approved recommendations.
- D. **By March 15, 2015**, HPS will conduct training with new administrators, guidance counselors and other relevant staff on the admissions process, including any revisions to the process made as a result of its review.

REPORTING REQUIRMENTS:

1. **By February 1, 2015**, HPS will provide to OCR for review and approval a draft of the report outlining the results of its review, as well as any recommendations made in response thereto.
2. **Within calendar 30 days** of HPS' receipt of OCR's approval of the report and recommendations, HPS will implement the recommendations.

3. **By March 15, 2015**, and by the same date annually thereafter, for training of new administrators, guidance counselors and other relevant staff, HPS will provide documentation that it has updated its publications and provided the training required under Item #4. HPS will provide documentation to OCR evidencing that the training required by Action Item #4 has been completed, including the identity of the individual(s) conducting the training and the individual(s)'s qualifications, along with a copy of the materials or a summary of material covered in the training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

Action Item #5: Data Analysis and Monitoring

Beginning with the 2014-2015 school year, and annually thereafter, HPS will analyze data related to the acceptance of students for admission to its charter schools and programs in order to determine whether ELL students and students with disabilities are accepted at statistically significant lower rates than other students and, if so, the reasons for the disproportionality. During the 2014-2015 school year, the data analysis may be part of the review conducted pursuant to Action Item 4 above. The annual data analysis will include:

- A. The number of students enrolled in each charter school disaggregated by ELL and disability status; the number of students who were admitted to each charter school or program as a result of the lottery process, disaggregated by grade level, age, GPA, current school, ELL status, disability status, and any other relevant criteria, where this data is available to HPS;
- B. HPS' analysis and conclusions concerning the data, including, if appropriate, any recommendations for further action to ensure that HPS admission policies and processes are fair and equitable.

REPORTING REQUIRMENTS:

1. By June 30, 2015, and by the same date annually thereafter until OCR closes the monitoring of this review, HPS will provide the data analysis to OCR, including, if appropriate, HPS' plan to address any identified disproportionality in the enrollment rates of ELL students and students with disabilities in its charter schools.

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In the event OCR has any objections to the documentation provided by HPS for review and approval, OCR will notify HPS of its objections promptly, no later than 60 calendar days after receiving the draft documents.

HPS understands that OCR will not close the monitoring of this agreement until OCR determines that HPS 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. §§ 104.7(a), 104.8(a) 104.35, and Title II and its implementing regulation at 28 C.F.R. §§ 35 107(a) and 35.130(a) and (b).

HPS 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, HPS understands that during the monitoring of this agreement, if necessary, OCR may visit HPS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether HPS 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. §§ 104.7(a), 104.8(a) 104.35, and Title II and its implementing regulation at 28 C.F.R. §§ 35 107(a) and 35.130(a) and (b).

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

For HPS:

/s/

October 30, 2014

HPS Superintendent

Date