

Voluntary Resolution Agreement
Los Fresnos Consolidated Independent School District
OCR Case No. 06141072

The Los Fresnos Consolidated Independent School District (LFCISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the LFCISD commits to the following actions, consistent with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000(d), and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100, to resolve the allegations in the above-referenced complaint. The LFCISD acknowledges that under Title VI it has an obligation to provide equal educational opportunities to all students residing within the LFCISD, and to ensure that it does not discriminate on the basis of race, color, or national origin. The LFCISD will ensure that students are not barred from enrolling in LFCISD schools on the basis of their actual or perceived citizenship or immigration status or that of their parents or guardians in violation of Title VI. This Agreement does not constitute an admission by the LFCISD that it discriminated or otherwise engaged in any wrongdoing. The LFCISD hereby voluntarily commits to complete the following actions by the following dates:

A. Students With a Primary Home Language Other Than English (PHLOTE)

The LFCISD will ensure that all PHLOTE students are identified.

1. The LFCISD will ensure that every student is given a Home Language Survey (HLS) form upon initial enrollment. The LFCISD will utilize the HLS to identify all national origin language-minority students who have a primary (first learned) or home language (language influence) that is other than English (PHLOTE).
2. The LFCISD will provide all staff instructions on the use of the HLS and direct staff to use the HLS at each campus to identify PHLOTE students.
3. Additional methods of identifying PHLOTE students may include teacher referral, counselor recommendation, and parent contact.

By November 30, 2015, the LFCISD will submit the following to OCR:

- a) A copy of its HLS form; and
- b) Documentation regarding the instructions disseminated to LFCISD staff on the use of the HLS.

B. Assessment of PHLOTE Students

The LFCISD will objectively assess the English-language proficiency of all PHLOTE students in order to determine which PHLOTE students are English Language Learners (ELL). The LFCISD will determine objectively whether PHLOTE students can speak, read, write, and comprehend English, and if all four language skills are expected of their grade-level peers. At a minimum, the

assessment will be designed to determine whether PHLOTE students possess sufficient English-language skills to participate meaningfully in the LFCISD’s program without specialized language assistance.

1. The LFCISD will assess the newly identified PHLOTE students and will reassess any current PHLOTE but non-ELL students who were not assessed in the four language areas.

By December 31, 2015, the LFCISD will submit to OCR supporting documentation indicating that each PHLOTE student has been assessed or reassessed.

By December 31, 2015, the LFCISD will provide to OCR for each assessed or reassessed student (by name, school and grade level) a list of the assessment results and placements of such students.

2. The LFCISD will provide formal training to all staff at all LFCISD schools who are designated to administer the assessment instrument to ensure proper test administration and interpretation of test results.

By January 29, 2016, the LFCISD will submit to OCR documentation demonstrating that the assessment training has been provided. The documentation should include, but not be limited to, the name(s) of the individual(s) who provided the training, copies of any written information provided in conjunction with the training, and the names of all individuals who attended the training.

3. The LFCISD will provide compensatory services to students who had not been properly identified as ELL and who had not been provided the appropriate language services.

By February 29, 2016, the LFCISD will submit to OCR for review and approval, documentation regarding the compensatory services to be provided to students who had not been properly identified as ELL and who had not been provided the appropriate language services.

Within 60 calendar days of OCR’s notification to the LFISD of its final approval of the compensatory services to be provided to students who had not been properly identified as ELL and who had not been provided the appropriate language services, the LFCISD will ensure that such students are provided with such compensatory services.

By May 31, 2016, the LFCISD will submit to OCR documentation demonstrating that the provision of such compensatory services were provided to students who had not been properly identified as ELL and who had not been provided the appropriate language services.

C. Placement

1. The LFCISD will ensure appropriate placement of all ELL students in the alternative language program (ALP). Specifically, each school will adhere to the objective assessment criteria for determining ELL status.

By December 31, 2015, the LFCISD will provide to OCR a written summary of the procedures to be used to monitor the implementation of the assessment criteria.

2. All ELL students shall be placed in the appropriate ALP. Notification of the placement and the benefits derived from participation in the ALP will be provided to each ELL student's parent. However, a student may be removed from the ALP upon receipt of a written request from the parent/guardian.

By November 30, 2015, the LFCISD will notify in writing the parent/guardian of each PHLOTE student who is not being served by the ALP because of parent/guardian requests, to inform the parent/guardian of the student's opportunity to participate in the ALP. The procedures used will include the provision of information to the parent about the results of the student's assessment and the benefits of the ALP. The LFCISD will conduct a meeting with the parent/guardian of the student, in a language the parent can understand, to explain the goals and objectives of the ALP.

By November 30, 2015, the LFCISD will provide to OCR a copy of the notification form completed for each student whose parent/guardian has opted the student out of the ALP.

By November 30, 2015, the LFCISD will submit to OCR a narrative describing the services provided to PHLOTE students who are not being served in the ALP. In addition, the LFCISD will provide to OCR the total number of PHLOTE students, by name, grade level and school, who were denied participation in the ALP by parents/guardians and what alternative language support services the LFCISD provided to those students.

D. Enrollment Policies, Practices, and Procedures

1. By November 30, 2015, the LFCISD shall review and (if necessary) revise its enrollment policies, practices, and procedures that provide for the acceptance of identification documents other than a birth certificate.
2. If the LFCISD revises the aforementioned enrollment policies, practices, and procedures, it will submit the revised policies, practices, and procedures to OCR for review and approval by December 31, 2015.
3. Within 15 calendar days of OCR's approval of the revised enrollment policies, practices, and procedures (if applicable), the LFCISD will provide notice to all staff, students and parents of the revised enrollment policies, practices, and procedures, including the proof of identity requirements.
4. By January 31, 2016, the LFCISD will publish its enrollment policy (with or without modification, as indicated above) in both English and Spanish on the District's website and in any other District handbook or publication where the District's enrollment policy typically appears. In addition, the LFCISD will include a notice in both English and Spanish with the student registration packets for the 2016-2017 school year that describes its enrollment policy.

5. By January 31, 2016, the LFCISD will also issue a public statement in both English and Spanish about the enrollment policy (with or without modification, as indicated above) that is widely disseminated, including to Spanish-speaking parents and parents of ELL students. For example, the LFCISD may make this statement by placing a notice about the new policy in local newspapers and in any local Spanish-language publications.

By March 31, 2016, the LFCISD will provide OCR with documentation demonstrating that it has complied with Action Item D, above, including documentation regarding how the District notified staff, students, and parents of the enrollment policy; a link to the District's website where the enrollment policy is published; a copy of each District handbook and publication where the enrollment policy appears; and a copy of the letter included in the student registration packet for the 2016-2017 school year regarding the enrollment policy. The District will also submit documentation showing that it made a public statement about the enrollment policy and how and where the statement was published.

E. Training Regarding Enrollment Policies, Practices, and Procedures

The LFCISD will develop and submit to OCR for review and approval proposed training regarding the District's enrollment policy, with an emphasis on the proof of identity requirements. The LFCISD shall ensure that such training addresses the appropriate, non-discriminatory manner of communicating such requirements to students and parents with limited proficiency in English.

By March 31, 2016, the LFCISD will provide OCR the proposed training materials to be used or distributed during the training, including any speaker's notes, and the name, title, and qualifications of the trainer(s).

Within 14 calendar days of OCR's written notification that the proposed training complies with the requirements of Title VI and this Agreement, the LFCISD will conduct the training program for all staff who are in any way involved in the student enrollment process.

Within 14 calendar days of the training program(s), the LFCISD will provide OCR with documentation demonstrating that it has complied with Action Item E above, including the following:

- (a) the date, time, and location of the training;
- (b) the topics addressed at the training;
- (c) copies of agendas, handouts, and materials distributed to training participants;
- (d) the name(s), title(s), and qualifications of the individual(s) who conducted the training; and
- (e) sign-in sheets with the name and title of each employee who participated in the training, and, if applicable, the school to which each employee is assigned.

OCR will monitor the LFCISD’s implementation of the actions specified in this Agreement. The LFCISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. Part 100, which were at issue in this case.

The LFCISD 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. During the monitoring of this Agreement, OCR may conduct on-site visits to the LFCISD, as necessary to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the LFCISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI. OCR will provide the District timely notice of any on-site monitoring visits.

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

Superintendent's Signature

Date