



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
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NEBRASKA
OKLAHOMA
SOUTH DAKOTA

April 10, 2023

Sent via email only, to: XXXXX

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XX XXXXX XXXXX XXXXX, XXXXX XXX
XXXXXX XXXXX, XXXXX XXXXX

Re: *Bayless School District
OCR Compliance Review 07095001*

Dear XXXXX XXXXX:

This letter is to confirm the resolution of the above-referenced compliance review of the Bayless School District initiated by the U.S. Department of Education, Office for Civil Rights (OCR). This compliance review assessed the District's English Language Learner (EL) program and whether the District is carrying out its chosen EL program in the least segregative manner consistent with achieving its stated goals, as required by Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by a recipient of federal financial assistance.

OCR reviewed the District's policies and procedures regarding the EL program, Section 504 program, special education, gifted and advanced placement, and participation in extracurricular activities. OCR also reviewed data and information about the EL program, communication with Limited English Proficiency (LEP) parents, and EL student participation in curricular and extracurricular activities as well as EL student records. During an onsite visit, OCR conducted interviews of the EL Coordinator and EL Specialists, the 504 Coordinator, the Special Education Liaison, the educational psychologist, the Gifted Program Facilitator, building administrators, the lead school nurse, school counselors, instructional coaches, and teachers.

The evidence obtained through the District's documents and data, and interviews of District staff, raised several concerns about the District's compliance with Title VI. These concerns included: the District's provision of instruction appropriate to students' English proficiency, grade level, and individual needs; EL student access to the District's curricular and extracurricular programs and activities; monitoring of the progress of EL students in core content classes; deficiencies in the special education referral, evaluation, and placement process for EL students, including the Section 504 process; the provision of language assistance services to LEP parents/guardians of District students; deficiencies in existing policies and procedures relating to EL students and LEP parents/guardians and a need for staff training on such policies and procedures.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Prior to OCR's completion of its investigation, the District expressed an interest in resolving this compliance review under Section 302 of OCR's *Case Processing Manual*; OCR determined that such resolution would be appropriate. On September 24, 2018, the District voluntarily entered into a Resolution Agreement with OCR to resolve the compliance concerns identified in this review. Specifically, the Resolution Agreement requires the District to:

- Ensure that all EL students in the District's EL program receive EL instruction appropriate to their English proficiency, grade level and individual needs;
- Provide EL students with meaningful access to its curricular and extracurricular programs and activities;
- Revise its English Learner LAU Plan Procedural Manual to include a procedure to identify academic benchmarks, monitor the academic progress of EL students in core content classes, and the exiting of EL students from the EL program;
- Develop and implement procedures for ensuring an EL specialist participates in the special education referral, evaluation, and placement process for EL students; for the evaluation of EL students under Section 504; for monitoring the academic progress of EL students in core content classes; for evaluating the effectiveness of its EL program; and for providing language assistance services to LEP parents/guardians of District students that ensures they have meaningful access to information about the District's programs and activities; and
- Provide training on all new and revised policies and procedures to administrators, teachers and staff.
- Continue to develop, and then implement, its Language Assistance Plan to ensure it provides meaningful access to information about the District's programs and activities to LEP parents and guardians.

OCR is reviewing data that the District submits under the provisions of the Resolution Agreement as part of its ongoing monitoring of the District's compliance with Title VI. OCR will continue to monitor implementation of the Resolution Agreement until OCR determines that the District is in compliance with the terms of the Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this compliance review.

This letter sets forth OCR's determination in a compliance review and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Thank you for cooperation during this compliance review. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov

Respectfully,

Bradley R. Burke
Regional Director, Region VII

Enclosure