

**Bayless School District
RESOLUTION AGREEMENT
OCR Case 07-09-5001**

The Bayless School District (District), St. Louis, Missouri, enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights to resolve the above-referenced compliance review and to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100. The District agreed to resolve this compliance review, which assessed the District's English language learner (EL) program and whether the District is carrying out its chosen EL program(s) in the least segregative manner consistent with achieving its stated goals. By entering into this Agreement, the District does not admit, and specifically denies, any wrongdoing or violation of any law, statute, regulation or policy.

OCR has not made any finding that the District is in violation of Title VI as it relates to this compliance review, nor is this an admission of liability on the part of the District. The District agrees to implement the action steps set forth in this Agreement.

A. LANGUAGE ASSISTANCE TO NEWLY ENROLLED AND RETURNING EL STUDENTS

1. By June 30th for the 2018-19 school year, and by the same date for the 2019-20 school year, the District will provide OCR with information and supporting documentation regarding the identification, placement and provision of services to EL students. Such information and documentation should include, but may not be limited to, WIDA Screener scores, ACCESS scores, EL student schedules, class rosters, the EL student needs assessment, the EL Portfolio Summary, the Portfolio Management and Placement Form, and supporting portfolio records and information.

B. MONITORING THE ACADEMIC PROGRESS OF EL STUDENTS AND EXITING EL STUDENTS FROM THE EL PROGRAM

2. The District will revise its English Learner LAU Plan Procedural Manual (EL Plan) to include a procedure for monitoring the progress of EL students in acquiring academic content knowledge. The District's procedure for monitoring the academic progress of EL students will include:
 - a. measurable benchmarks for expected student growth in acquiring core content;
 - b. a requirement that at least annually the District will measure EL student performance in core content areas using valid and reliable tests;
 - c. a means of documenting the academic progress of all EL students in core content areas, including the results of District testing and benchmark data, and valid and reliable tests including teacher created and District adopted assessments;

- d. a requirement that, at least annually, designated staff will review the progress of EL students toward the District's benchmarks for academic growth, and determine whether EL students in the District are making adequate progress in core content areas; and
 - e. a requirement that the District will undertake meaningful efforts which are reasonably calculated to assist EL students who are not progressing adequately towards those academic benchmarks.
3. The District will provide training on the revised EL Plan and on the procedure for monitoring the academic progress of EL students to all EL specialists and classroom teachers.

REPORTING REQUIREMENT: Within 15 days of the completion of the training, the District will provide OCR documentation of the training including the date(s) and time(s) of the training; the name(s) and title(s) of the trainer(s); a copy of any printed materials used during the training (handouts or PowerPoint presentations); and a sign in sheet showing the training participants by name and position.

4. The District will implement the revised EL Plan by monitoring the academic progress of all EL students in the District, determining whether EL students are making adequate academic progress in core content areas, and providing academic assistance to EL students who are not making adequate academic progress.

REPORTING REQUIREMENT: By June 30th for the 2018-19 school year, and by the same date for the 2019-20 school year, the District will submit to OCR a summary of EL student progress toward the District's academic benchmarks, including for each EL student:

- the student's name and grade;
 - the student's most recent overall ACCESS score;
 - the District's documentation of the student's academic progress;
 - the District's conclusion regarding whether the student is making adequate academic progress; and
 - if the student is not making adequate academic progress, documentation of the actions taken by the District to assist the student.
5. By June 30th for the 2018-19 school year, and by the same date for the 2019-20 school year, the District will identify the EL students reclassified as M1 students that year, and provide each newly reclassified student's ACCESS score, EL Portfolio Summary, Portfolio Management and Placement Form, and supporting portfolio records and information. Portfolio completion will be provided; however, certain materials like WIDA ACCESS results are delayed from time to time.
 6. By June 30th for the 2018-19 school year, and by the same date for the 2019-20 school year, the District will identify the M1 and M2 students for that year, and provide the following for each M1 and M2 student. Certain determinations require data, which may

be missing. In such case, the District will provide a report by June 30th which indicates an estimated date to receive delayed scores.

- a list of M1 and M2 students by name and grade;
- copies of the quarterly monitoring reports completed for each M1 and M2 student in the District and other forms, if any, used to gather information for the purpose of monitoring M1 and M2 students;
- copies of current transcripts of M1 and M2 students, if grades are not otherwise noted on other monitoring forms;
- a list of M1 and M2 students, if any, who were not progressing in the District's educational programs; and
- documentation of the actions taken by the District to assist students who were not progressing in the District's educational programs.

C. EVALUATING THE EFFECTIVENESS OF THE DISTRICT'S EL PROGRAM

1. The District will continue working to develop a procedure for evaluating the effectiveness of its EL program. The District's EL program evaluation should be designed to determine whether the District's EL program is meeting the dual goals of enabling EL students to attain, within a reasonable period of time, both English proficiency and meaningful participation in the District's educational program comparable to their never-EL peers. The District's program evaluation must consider longitudinal data that permit a comprehensive and reliable comparison of how EL students in the EL program, EL students who exited the program, and never-EL students are performing in the District's educational program over time.

REPORTING REQUIREMENT: By June 30, 2019, the District will provide OCR with a copy of its procedure for evaluating the effectiveness of its EL program developed pursuant to item C.1. above for OCR's review and approval. Within 60 days of OCR's approval of the District's procedure, the District will provide an assurance of its intent to continue evaluating the effectiveness of its EL program consistent with the provisions of Section C and the OCR approved District procedure.

2. The District will develop a system for data collection and maintenance which allows it to evaluate the effectiveness of its EL program. At a minimum the system will allow the District to assess the following:
 - a. the rate at which EL students are gaining English proficiency in speaking, listening or understanding, reading, and writing;
 - b. whether EL students are progressing adequately in core content areas;
 - c. whether the academic performance of former EL students is comparable (as measured by standardized assessments and grades) with their never-EL peers in the regular education environment;
 - d. whether current and former EL students are retained in grade or drop out of school at a higher rate than their never-EL peers;

- e. whether active and former EL students are graduating at rates comparable to their never-EL peers; and
 - f. whether active and former EL students are able to participate fully and meaningfully in the District's curriculum and programs as determined by such measures as graduation rates, awards and honors, participation in gifted and talented programs as well as honors, advanced placement, and dual credit courses, and participation in sports and other extracurricular activities.
3. By October 30, 2020, for the 2019-20 school year, the District will complete a comprehensive EL program evaluation based on the program evaluation procedure developed pursuant to item C.1. above. If the District's program evaluation demonstrates that the District has not met the dual goals of enabling EL students to attain, within a reasonable period of time, both English proficiency and meaningful participation in the District's educational program comparable to their never-EL peers, the District will identify and implement appropriate programmatic changes reasonably calculated to enable EL students to meet these goals.

REPORTING REQUIREMENT: By November 30, 2020 for the 2019-20 school year, the District will provide OCR with a comprehensive summary of the District's program evaluation. The summary will include information detailing the following:

- the names and titles of all individuals who participated in conducting the program evaluation;
- the types of data gathered and analyzed by the District during the program evaluation;
- the District's analysis of the program evaluation data;
- the District's conclusions regarding the effectiveness of the District's EL program based on all the data reviewed and as measured by whether EL students are achieving English proficiency and meaningful participation in the District's educational program within a reasonable period of time; and
- as necessary, a detailed description of all programmatic changes to the EL program the District has determined to be appropriate based on the results of its EL program evaluation, including a specific plan with timeframes for the implementation of the changes, and the name and title of the individual(s) responsible for implementing the changes.

The District acknowledges that, based upon OCR's review of the comprehensive summary, OCR may request additional information which could include interviews with the persons involved in the program evaluation and/or portions of the underlying data considered during the evaluation.

D. MEANINGFUL ACCESS TO CURRICULAR AND EXTRACURRICULAR PROGRAMS

1. The District will continue reviewing whether EL students have meaningful access to the District's gifted and talented program, or other specialized programs such as honors and

advanced placement courses, dual credit courses, Project Lead The Way, and all co-curricular and extracurricular activities (including but not limited to leadership, yearbook, technical programs, student government, honor societies, athletics, clubs and other activities). At a minimum, the review will include:

- a. the criteria for student participation in each course, program, or activity identified above;
 - b. the identification of the EL students, M1 and M2 students, exited EL students and never-EL students enrolled in each course, program, or activity identified above during the 2018-19 and 2019-20 school years;
 - c. an assessment of whether any District policies, procedures, and/or practices preclude or otherwise limit current or former EL students from participation in these courses, programs, and activities;
 - d. an assessment of whether the methods used to recruit or select students for participation in these courses, programs, and activities, including consideration of English skills as a prerequisite, preclude or otherwise limit EL students from participation in these courses, programs, and activities;
 - e. an assessment of whether the methods used to disseminate information about these courses, programs, and activities, including the languages in which the information is provided, preclude or otherwise limit current or former EL students from participation in these courses, programs, and activities; and
 - f. a student survey of current EL students, M1 and M2 students and exited EL students regarding EL student interest in these courses, programs and activities and any perceived barriers to these courses, programs and activities conducted in a language(s) EL students can understand.
2. Within 30 days of completing the review described in item D.1 above, the District will prepare and submit to OCR for review and approval its plan to ensure EL students have the opportunity for meaningful participation in the courses, programs and activities identified in D.1. above. Along with the plan, the District will also submit the following to OCR:
- a. the names and titles of the individuals that conducted the review;
 - b. a description of the criteria established, including whether teacher referral or recommendation is required, for student participation in each course, program, or activity identified above;
 - c. a list of the EL students, M1 and M2 students, exited EL students and never-EL students enrolled or participating in each course, program, or activity identified above during the 2018-19 and 2019-20 school years;
 - d. a copy of the results of the student survey conducted pursuant to item D.1.f. above;
 - e. if not specifically addressed in the plan, a description of any changes the District will make to policies, procedures, or practices governing these courses, programs and activities; methods of recruiting or selecting students for participation in these courses, programs or activities; and methods of disseminating information about these courses, programs, and activities to students and parents, including timeframes for the

- implementation of the changes, and the name and title of the individual(s) responsible for implementing the changes; and
- f. a summary of the District's assessment of whether the methods used to disseminate information about these courses, programs, and activities, including the languages in which the information is provided, preclude or otherwise limit EL students from participation in these courses, programs, and, if so, the District's remedial plan.
3. Within 30 days of OCR's approval of the plan developed pursuant to D.2., the District will train all staff, including administrators, guidance counselors, and teachers, on providing EL students meaningful access to the courses, programs, and activities identified in D.1. above. Within 15 days of completion of the training, the District will implement the plan. At a minimum, the training will:
- a. explain the Title VI prohibition against discrimination on the basis of race, color, or national origin, including the District's obligation to ensure that EL students have meaningful access to the courses, programs, and activities identified in D.1. above;
 - b. identify all courses, programs and activities that require teacher referral or recommendation for selection or participation;
 - c. identify characteristics of EL students that might indicate giftedness despite limited English proficiency;
 - d. explain that EL students may not be categorically excluded from any course, program or activity based on English proficiency, and that teachers should refer or recommend EL students for participation in courses, programs and activities without regard to the English proficiency of the student unless English proficiency is necessary for meaningful participation; and
 - e. explain the results of the District's review of student selection for and participation in the courses, programs and activities identified above, and any resulting changes to policies, procedures, or practices; methods of recruiting or selecting students for participation; and methods of disseminating information about these courses, programs, and activities.

REPORTING REQUIREMENT: Within 15 days of the completion of the training, the District will provide OCR documentation of the training conducted pursuant to item D.3. above including, the date of the training(s); the name and title of the presenter; an outline of the training content; a copy of any printed materials used in the training (PowerPoint slides, handouts, etc.); and a sign-in sheet of the training participants.

4. By June 30th, the District will provide a class roster or other participation list identifying each student who participated during the 2018-19 and 2019-20 school years in any course, program, or activity identified in D.1. above. The information provided to OCR will include: 1) the name, grade, and identification of each EL student and the EL student's status (active, M1 or M2 status); and 2) the names of any EL students or parents who applied or requested to participate in one of the specialized courses or programs but was not admitted or who was admitted but did not complete the 2018-19 and 2019-20 school years in the specialized course or program and the reason the student was not admitted or did not complete the year in the program.

E. EVALUATING EL STUDENTS FOR SPECIAL EDUCATION AND PROVIDING DUAL SERVICES

1. By September 30, 2018, the District will provide its training on Special School District (SSD) Scheduling Expectations to faculty and staff at the junior high school and the high school, inviting all SSD staff assigned to those buildings in the District to attend the training.
2. Within 15 days of the completion of the training, the District will implement the SSD scheduling process and ensure that an EL specialist, with knowledge of the EL student's individual language needs and expertise in second language acquisition, participates in the referral, evaluation and placement process for EL students whom the District has reason to believe may qualify for special education services pursuant to the Individuals with Disabilities in Education Act (IDEA).

F. EVALUATING EL STUDENTS UNDER SECTION 504

1. The District will ensure its Section 504 process addresses the identification, evaluation and provision of disability-related services for EL students in the District.¹ At a minimum, the process will ensure that:
 - a. the evaluations used to determine whether an EL student has a disability are conducted in the appropriate language based on the student's needs and language skills;
 - b. disability-related services are determined considering both the student's disability and language-related needs;
 - c. disability determinations are based on criteria that measure and evaluate the student's abilities and not the student's English language skills;
 - d. the group of knowledgeable persons making eligibility and placement decisions regarding EL students include at least one person who is knowledgeable about the EL student's language background and individual language needs (generally the EL specialist);
 - e. EL students are evaluated promptly, without impermissible delay because of EL status and/or English proficiency; and
 - f. EL services and disability-related services are provided simultaneously to EL students who are eligible for both types of services.

REPORTING REQUIREMENT: By June 30, 2019, the District will provide OCR a copy of its most recent 504 Manual and Procedures for review and approval.

REPORTING REQUIREMENT: By June 30th for the 2018-19 school year, and by the same date for the 2019-20 school year, the District will provide OCR a copy of the complete Section 504 student files for all students, including EL students, who were

¹ The Section 504 procedure required under item F.1. may be included in the District's revised EL Plan.

referred for evaluation, evaluated, or who received services under Section 504 during that school year.

2. Within 30 days of OCR's approval, the District will ensure all District administrators, teachers and staff receive training on the District's revised Section 504 process. Within 15 days of completion of the training, the District will implement the revised process.

REPORTING REQUIREMENT: Within 15 days of the completion of the training, the District will provide OCR documentation of the training conducted pursuant to item F.2. above including, the date of the training(s); the name and title of the presenter; an outline of the training content; a copy of any printed materials used in the training (PowerPoint slides, handouts, etc.); and a sign-in sheet of the training participants.

G. ENSURING MEANINGFUL COMMUNICATION WITH LIMITED ENGLISH PROFICIENT (LEP) PARENTS

1. The District will continue work to develop its Language Assistance Plan² outlining the steps it will take to ensure it provides meaningful access to information about the District's programs and activities to LEP parents and guardians. As part of its implementation of its Language Assistance Plan, the District will provide language assistance services, as required by law, to all LEP parents and guardians who need language assistance with respect to the information provided to other parents about school programs and activities. These language assistance services may include the use of various services such as onsite translators/interpreter and telephonic interpreter services. At a minimum, the Language Assistance Plan will also include requirements and processes to:
 - a. notify LEP parents/guardians of the availability of free language assistance services with respect to information about school programs and activities. The notification will include information about how to obtain language assistance services and will identify a District contact person who can answer any questions regarding parental communication and assist parents/guardians in accessing interpreter services or translated documents;
 - b. continue to identify, by building and District-wide, LEP parents/guardians who may need language assistance services;
 - c. continue to document in its Infinite Campus database (or a similar database) LEP parents/guardians identified as needing language assistance services and their primary home language, and make the information in the database available to all staff in the building who may interact with LEP parents/guardians, as well as to the central administration;
 - d. ensure that each school and the central administration office keeps a log of or documents in another format, the language assistance services requested by LEP parents/guardians or District personnel. The log (or alternate form of documentation) will identify the date the language assistance service was requested, who requested

² The District provided OCR a copy of its Language Assistance Plan on June 5, 2018.

- the language assistance, the date the language assistance service was provided, the type of services provided, and the service provider (by name and company, if the services were provided through a commercial provider). The log will document all translation and interpreting services requested, including but not limited to, scheduled or pre-arranged interactions between the parents and District staff or administrators, Section 504 meetings, discipline hearings, and parent-teacher conferences;
- e. ensure that District staff who are likely to interact with identified LEP parents/guardians are advised of the parents'/guardians' need for language assistance services, the circumstances under which they may need assistance, the means by which they may timely obtain such assistance for the parent, the available translated documents, and the applicable record-keeping and reporting requirements;
 - f. ensure that the interpreters and translators it uses, including District staff, are proficient in the languages spoken by students and parents/guardians in the District and competent to provide interpretation and translation services. The District will also ensure that all interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality;
 - g. obtain in a timely manner, appropriate, qualified translators or interpreters as needed;
 - h. notify relevant District staff, on an annual basis, that the use of family members and friends for the provision of language assistance does not fulfill the District's obligation to provide meaningful communication to LEP parents/guardians. The notice shall state that the use of such individuals may raise issues of confidentiality, privacy, or conflict of interest, and that, in many circumstances, such persons are not competent to provide quality, accurate interpretations. Additionally, the notice shall state that the use of minor children raises particular concerns about competency, quality, and accuracy of interpretations and it is not advisable to use such children to convey information about their own education and/or complex information; and
 - i. identify and translate³ documents containing essential information⁴ into the language of each predominant language group. For languages that are less predominant, the District will ensure that students and parents/guardians have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding vital written documents.

2. Within 30 days of OCR's approval of the Language Assistance Plan, the District will provide training to all District principals and other administrators, faculty, and staff

³ To the extent the District uses web-based translation services such as Google Translate, the District understands that use of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. The District understands OCR cautions against using web-based translation services because inaccurate translations are inconsistent with the District's obligation to communicate effectively with LEP parents. To ensure that essential information has been accurately translated the District would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so.

⁴ Essential information may include, but is not limited to, information regarding: language assistance programs, disability-related services, Section 504 meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in activities, parent-teacher conferences, parent handbooks, gifted and talented programs and any other school and program choice options. LEP parents are also entitled to translation and interpretation of particular information under Titles I and III, and the IDEA.

members who have direct contact with LEP parents/guardians on the Language Assistance Plan. Within 30 days of conducting the training, the District will implement the Language Assistance Plan.

REPORTING REQUIREMENTS: Within 30 days of the completion of the training required by item H.2. above, the District will provide OCR documentation of the training session. The documentation must include the date(s) and time(s) of the training; the name(s) and title(s) of the trainer(s); a copy of any printed materials used during the training (handouts or PowerPoint presentations); and a sign in sheet showing the training participants by name and position.

By June 30th for the 2018-19 school year and by the same date for the 2019-20 school year, the District will provide OCR documentation of the implementation of the Language Assistance Plan including, but not limited to:

- documentation of the District's identification of LEP parents and their language needs;
- a copy of the District's notification to all LEP parents of the availability of interpreter and translation services free of charge, and how they may obtain them;
- a copy of the District's list of LEP parents/guardians at each school;
- a copy of the District's documentation of requests for interpreters and translations, and the District's provision of language services;
- documentation of the qualifications of all interpreters and translators used by the District, including their interpreting and translating competence as well as training on their role as an interpreter/translator, the ethics of interpreting and translating, and the need to maintain confidentiality;
- a copy of the District's notice that the use of family, friends, and minor children as interpreters and translators does not fulfill the District's obligation to provide meaningful communication to LEP parents/guardians; and
- a copy of all essential District documents translated into a language other than English in English and each language of translation.

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, if necessary, 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 and is in compliance with Title VI and its implementing regulations identified above. Upon completion of the obligations under this Agreement, OCR shall close this compliance review.

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 (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Superintendent

Date