

VOLUNTARY RESOLUTION AGREEMENT

Laramie County School District 1 Case Number 08-13-5001

To ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 200d-1, and its implementing regulation at 34 C.F.R. Part 100, Laramie County School District agrees to fully implement this voluntary resolution agreement to resolve the above-cited compliance review.

AGREEMENT TERMS

- A. **Alternative Language Program (ALP) Plan.** The District will develop a written Alternative Language Program Plan (Plan) for implementing District-wide policies and procedures to ensure all limited English proficient (LEP) students have equal access to the District's educational program.¹ For each Plan item, the Plan will specify the appropriate policies and procedures, corresponding activities, the timeframes for these activities, the persons responsible, and the documentation requirements as appropriate.
1. **Identification of PHLOTE and LEP Students.** The District will describe its specific procedures that ensure that all students who have a primary or home language other than English (PHLOTE) are identified and assessed to determine whether they are LEP students. These procedures will:
 - a. Ensure that a home language survey is consistently implemented at all schools and in a language and mode of communication appropriate for parents;
 - b. Include procedures for distributing, collecting, maintaining, and reviewing the home language survey, and will specify the survey responses that will necessitate an English language proficiency assessment of a student;
 - c. Describe a program of staff (including those involved in pre-referral, and special education referral, evaluation and placement determinations) training on how to accurately identify PHLOTE students and LEP students.
 - d. Include timelines to ensure that English proficiency assessments, (measuring oral, reading, comprehension, and writing domains, as appropriate to grade level), are conducted and results are available and documented in a timely and accurate manner;
 - e. Specify the objective criteria for determining whether a PHLOTE student is LEP (*i.e.*, objective English language proficiency standards appropriate to grade levels in oral, reading, writing, and comprehension domains).
 2. **Alternative Language Program Model:** The District may select an ALP model appropriate for its use that is based on sound educational theories and practices that will ensure equal educational opportunity to District LEP students: The Plan will:

¹ Where the District has existing policies, procedures, training, or documentation requirements that meet OCR standards, these requirements may be incorporated into the District's ALP Plan.

- a. Fully describe the ALP model(s) the District will implement at the elementary, middle school, and high school levels² to serve all LEP students; and
 - b. Delineate the educational services (including English language development instruction) to be provided to LEP students, based on their respective English-language and academic needs.
3. **Placement of LEP Students:** The District Plan will include procedures for the appropriate placement of all LEP students into the ALP in order to receive English language acquisition services, including English language development services.
4. **Staffing.** The District will develop and describe procedures to ensure that it has adequate and appropriately qualified staff to fully implement its selected ALP service model(s). Specifically, the District will:
 - a. Describe the staffing resources it needs to effectively implement the District’s ALP model(s), including a description of the training and qualifications of staff that provides program services.
 - b. Determine how many certified and endorsed/qualified teachers and other staff members are necessary to fully implement the ALP model(s) at each school. In making this determination, the District will consider the training and qualifications of staff needed to implement each service model. The District agrees that the primary providers of ALP instruction are to be licensed teachers who are also sufficiently trained and qualified to deliver ALP instruction.
 - c. Determine the extent to which the staff members needed to implement the ALP models and services are currently available, and how many additional staff members need to be trained, hired, or assigned to the ALP program to meet ALP staffing needs.
 - d. Ensure that its ALP teachers have the skills necessary to teach effectively in a program for LEP students, (*e.g.*, use validated evaluative instruments that measure the skills in question, evaluate teacher’s classroom performance by an individual trained and familiar with the skills and methods required by the District’s ALP model(s)).
 - e. Describe the steps it will take to fully and timely meet its ALP staffing needs (fully qualified staff teaching all LEP students), and the anticipated timeframe for the ALP to be fully staffed. The Plan shall include the manner and timeframes the District will implement to monitor progress toward acquiring sufficient qualified ALP staff.
5. **Materials.** The District will describe its procedures to provide sufficient and appropriate instructional materials to fully carry out its ALP. Such materials will be comparable (quality, format, availability, and age or grade level) to materials provided for non-LEP students.

² The terms of this agreement also apply to any charter schools who hold a charter agreement with the District.

- a. The District will survey staff members (ALP teachers, regular teachers, and special education teachers serving LEP students) at least annually to determine the availability and need for additional ALP materials and staff training needs. The survey will also assess the quality and availability of educational technology for LEP students.
 - b. The District will timely take necessary steps to respond to needs identified in the survey for ALP materials, training, and educational technology, including notifying staff of the availability of existing ALP resources.
6. **Facilities.** The ALP plan will include the specific steps that the District will take to ensure that LEP students generally receive the benefits of instructional facilities that are comparable in quality to the facilities enjoyed by other students.
7. **Reclassification and Exit.** The District Plan will describe the objective criteria it uses to determine when a LEP student has obtained sufficient proficiency in English to be reclassified or to exit the ALP. At a minimum, these criteria will ensure that:
 - a. The determination of English-language proficiency is based on objective standards or test scores. The District will explain how the chosen criteria will ensure students' meaningful participation in the general curriculum;
 - b. Prior to their exit from the ALP, the District will assess each student's English language proficiency in speaking, reading, writing, and comprehension relative to grade level, and according to the publisher's instructions using an English language proficiency assessment normed and validated for English language proficiency;
 - c. LEP students will be reclassified as non-LEP when they have achieved English proficiency in the four skill areas (oral, reading, writing, and comprehension), as appropriate to their grade level;
 - d. Each reclassified student will be formally monitored at least once per semester for two years after exit from the ALP. Documentation of monitoring will be consistently maintained and address academic performance; and
 - e. The District will timely remediate academic deficiencies identified in students who have exited the ALP. The plan will include a description of remediation steps available for reclassified students.
8. **Program Evaluation and Modification.** The District ALP plan will include procedures for periodically evaluating the effectiveness of its ALP and services for LEP students based on longitudinal data collected annually for use in its evaluations.
 - a. For the District's initial ALP evaluation due at the end of SY 2016-17 by June 30, 2017, the District will provide to OCR:
 - i. The total number of PHLOTE students and LEP students by school for school year 2016-17;

- ii. An assessment of the ALP placement and services for LEP students;
 - iii. A description of staff training needs and the District's response or scheduled for responding to identified needs; and
 - iv. The District's objectives for providing educational services to LEP students, including the objectives of the ALP model(s) selected; and the specific measurable language acquisition and performance goals identified for LEP students.
- b. For all subsequent program evaluations (to be conducted at least once every two years), the District will provide:
- i. A description of the factors used to determine effectiveness of the District's programs and services. Minimum factors to include in the self-evaluation are:
 - a. Whether current LEP students are meeting the District's Annual Measureable Achievement Objectives (AMAOs);
 - b. Whether current LEP students are satisfying established goals and objectives for student participation and achievement;
 - c. Whether current LEP students are progressing in English language proficiency in each of the four skill areas (oral, reading, writing and comprehension);
 - d. A comparison of LEP and former LEP student's academic progress, dropout, graduation, and grade retention rates with non-LEP peers; and
 - e. A comparison of LEP students' special education referrals and placements, and referrals and placements in the gifted and talented education program, as compared with their general representation in the District and to non-LEP students.
 - c. The Plan will include: Procedures used to determine the extent to which staff training and development are available or are still needed to implement the Plan. The specific steps the District will take, including applicable timeframes and persons responsible for ensuring that program modifications or improvements are identified and implemented to ensure program effectiveness.

The District will not continue indefinitely with programs and services that, despite soundness of design and implementation, do not satisfy its goals and objectives for providing educational services to its LEP students.

9. **Gifted and Talented.** The District will develop and describe the specific steps that it will take to ensure that LEP students have equal and meaningful opportunities to qualify for and participate in the District's gifted and talented (G&T) programs. Specifically, the District will:

- a. Review and, as necessary, revise the District's G&T identification and placement procedures to enable LEP and former LEP students to qualify for and meaningfully participate in G&T programs (*i.e.*, referral, assessment and placement will be based upon the student's exceptionality, rather than English language proficiency);
- b. Clarify to staff members and parents that LEP students may be referred for, and participate in G&T programs;
- c. Provide training for relevant District staff members to ensure that they are aware of the criteria and procedures for providing G&T program opportunities for LEP students, and that they use these criteria and procedures to identify such students; and
- d. Ensure that notification about the G&T programs are developed and distributed to LEP students and parents in a language they can understand.

10. **Parent Communication.** The District will include in its Plan policies and procedures to ensure meaningful communication with national-origin minority limited-English proficient parents of students enrolled its schools. The Plan will specify how the District will provide language assistance and address all relevant communication provisions of this agreement. The Plan will address how the District will self-monitor implementation of its procedures.

- a. The District will establish methods to notify all parents, including national-origin minority LEP parents, of the District's Plan. The notification will also provide parents with a District or School point of contact for any questions regarding the Plan and for assistance in accessing interpreter services or translated documents. The notification will be provided in the language understood by the parents. Notification will be completed by June 30, 2017.
- b. By February 28, 2017, the District will develop a list of its national-origin minority LEP parents who require translation or interpreter services. More specifically:
 - i. Each school will notify appropriate teachers and administrators of the names of their national-origin minority LEP parents who require translation and interpreter services.
 - ii. The District will train appropriate staff on its policies and procedures for effectively communicating with national-origin minority LEP parents. Interpreter and translator training will include: when and how to obtain qualified language assistance, the importance of effective communication with LEP individuals, use of interpreters when staff receive or make calls to language-minority individuals, how to work effectively with interpreters, the impact of ethnic and cultural differences on effective communication, and applicable record-keeping procedures and reporting requirements.
 - iii. The District will implement a record-keeping system of interpreter and translator services requested. The system will track the primary language of the parents and their names, and a procedure to monitor that communication needs of the national-origin minority LEP parents are being timely and effectively met through appropriate use of interpreters and translators.

- iv. For predominant language groups, as determined by the District, the District will provide, to the extent feasible, written translations to national-origin minority LEP parents of those notices that are sent to other parents. Accordingly, by May 5, 2017, for those documents routinely provided, the District will make available written translations (particularly regarding parent notices on special education-related matters, grade and progress reports, and notices to parents about standardized testing information) for appropriate distribution, and will remind its staff members that these translated documents are available and are to be used appropriately. For those languages that are less predominant or where translations are not feasible, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding notices or communicating with District staff members.

Reporting Requirement(s) Agreement Term A: By June 30, 2017, the District will submit to OCR for review and approval an initial draft written plan (including relevant documentation specified by the terms of the Agreement).

B. LEP Students with Disabilities. By May 5, 2017, the District will develop and describe policies and procedures designed to:

1. Consistently implement pre-referral and referral processes that take into consideration the linguistic and cultural background of students, including ensuring that persons knowledgeable about second language acquisition and culture are included in these processes for LEP and former LEP students;
2. Ensure that prior to or upon referral of PHLOTE students for testing, evaluation, or placement in special education services, current objective assessments of proficiency in English and the primary or home language (whenever possible) are available, and that consideration of language proficiency is documented;
3. Require testing or evaluation using only the language modalities in which the student is objectively known to be proficient (whenever appropriate);
4. Provide for testing or evaluation by staff persons who are qualified to administer special education tests in the languages required (whenever appropriate).
5. Require that diagnostic reports for LEP students include:
 - a. Analysis of the effect of linguistic and cultural factors on educational history and learning,
 - b. Whether (and how) diagnostic instruments or procedures were altered for the student,
 - c. Documentation of the use of translation or interpretation in the administration of diagnostic instruments or procedures, and the effect on the validity and reliability of the results;
 - d. Evaluation of the validity and reliability of test results, considering the effect of differences in criteria related to language proficiency and culture, between the student tested and the reference population of each test, and

- e. Cross-validation of formal diagnostic measures with other data available about the student.
6. Require that any group of persons making diagnostic or placement decisions includes at least one person who is knowledgeable about the student's culture and language, discusses and understands the effects of language and culture on the evaluation, and considers the validity and reliability determinations noted in the diagnostic report;
7. Require that placement decisions are based on a variety of information, such as a review of existing records, the results of pre-referral interventions and curricular adaptations, work samples, formal and informal assessments, and observations; and
8. Ensure that LEP students with disabilities participate in both ALP instruction and special education services or related aids and services, unless it is inappropriate to provide dual services due to the documented nature of the student's disability. Delivery of required ALP services should be documented in the student's file.

Upon approval by OCR, these steps will be incorporated into the District's special education manual and ALP Plan described at Part A above.

Reporting Requirement Agreement Term B: By June 30, 2017, the District will submit for OCR review and approval draft policies and procedures relating to the pre-referral, referral, evaluation and placement of LEP students as described above.

C. Special Education National Origin Minority Students – Review and Reevaluation.

By September 30, 2017, the District will use the approved procedures described above at term B of this Agreement, to ensure that LEP students *already* receiving special education or related aids and services have not received this placement on the basis of criteria that essentially measured and evaluated English-language skills.

1. The District will:
 - a. Complete an individual review of the initial and subsequent placement records of each LEP student who is receiving special education services, to determine whether such placement was based on test data or other diagnostic data that is unreliable or invalid because:
 - i. The student was (or is) not proficient in the language skills required for reliable and valid results, or
 - ii. The procedures documented were not consistent with the safeguards and procedures in this Agreement for identifying LEP students with disabilities.
 - iii. Whenever it cannot be determined through documentation that persons knowledgeable about second language acquisition were present as appropriate to the student, the MET/IEP team shall be reconvened to include such persons, to review, and modify where appropriate, the placement decisions. The District shall provide OCR copies of IEPs and other applicable documentation of those meetings.

- b. Maintain and provide documentation that it has reviewed all evaluation records for each student identified above.
2. For any student found through these procedures not qualified for special education or related aids and services, the District will immediately integrate the student into the regular educational environment, initiate appropriate alternative language program (as necessary), and compensatory services to remediate any deficiencies resulting from prior inappropriate placement in special education services. The District will monitor the student's performance for a minimum of two years.

Reporting Requirement Agreement Term C: By October 30, 2017, the District will provide documentation demonstrating that it has reviewed records for each student identified above, and where appropriate, has integrated the student into the regular education setting, and is providing or has provided appropriate compensatory educational services.

D. Communication with Language-Minority Parents Regarding Special Education Matters

By May 5, 2017, the District will develop and describe specific procedures to ensure that limited English proficient parents and guardians (LEP parents) are notified, in the language and medium of communication understood by the parents, of special education-related matters (including pre-referral, referral and placements) that are called to the attention of other parents. Upon approval by OCR, these procedures will be incorporated into the District's ALP Plan. Specifically, the District will:

1. Identify its LEP parents who require translation or interpreter services and whose children are currently involved in pre-referral or referral processes, or special education placements. The District will notify appropriate teachers and administrators who are involved with special education-related matters of the identity of LEP parents who require translation and interpreter services.
2. Establish procedures to ensure that the parents and guardians of PHLOTE students are notified adequately and timely of special education-related matters that are called to the attention of other parents in the language and form of communication understood by them. Specifically, the District will:
 - a. Develop a plan for training staff members on District procedures for effectively communicating with LEP parents of students who are the subject of pre-referral, Special education referral or placement decisions. Staff training will address when and how to obtain qualified language assistance, the importance of effective communication with LEP individuals, the use of interpreters when staff receive or make calls to language-minority individuals, the impact of ethnic and cultural differences on effective communication, and applicable record-keeping procedures and reporting requirements.
 - b. Develop and maintain a list of interpreters who are proficient in the languages spoken by students and parents in the District, and a description of how the District will ensure that all staff members are aware of interpreter and translator availability. The District will ensure that all listed interpreters and translators are competent to provide interpretation and translation services. The District will also ensure that all persons on its list of interpreters and translators have been appropriately trained regarding the role of an

interpreter, the ethics of interpreting, and the need to maintain confidentiality. The District will annually review its list of interpreters for accuracy.

- c. Implement a record-keeping system of interpreter and translator services requested. The system will include information on the interpreter and translator services requested, including the primary language of the student/parents and their names, the date of the request and the date services were provided, the source and name of any interpreter or translator used (*e.g.*, bilingual staff, staff interpreters or translators, contract interpreters/translators, community volunteers, telephone interpreter lines). The District will develop a procedure to track the system to ensure that communication needs of the national-origin language-minority parents are being effectively met through appropriate use of interpreters and translators. *This system may be combined with the system described in term A.10.*
- d. Provide, for the District's predominant language groups, as determined by the District and to the extent feasible, written translations to LEP parents regarding special education and related matters, including but not limited to pre-referral, referral, evaluation and placement notices that are routinely sent to other parents. The District will make available written translations for appropriate distribution and will remind its staff members that these are available and are to be used appropriately. For those languages that are less prominent or where translations are not feasible, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District for assistance in understanding notices or communicating with District staff members.
- e. Remedial notice of rights and procedural safeguards. The District will notify the LEP parents of all students receiving special education of their specific rights and procedural safeguards in a language and medium of communication the parents can understand. Documentation of this notice and the means of delivery will be retained in each student's special education or other appropriate record. Such remedial notification will not be required where the District can demonstrate from the student's records that the District previously provided the required notification in a language the parent understands.

Reporting Requirement Agreement Term D: By June 30, 2017, the District will provide documentation demonstrating identification of LEP parents and draft procedures for OCR's review, and documentation of remedial notification of rights and procedural safeguards.

E. Implementation of the Plan. The District will initiate full implementation of the Plan agreed to in Part A of this Agreement within 45 days of OCR's final approval of the plan. Specifically, the District will:

1. Provide documentation demonstrating that all principals have received a copy of the Plan;
2. Provide a training agenda for administrators and staff regarding the implementation of the Plan (including training dates and training responsibilities) that will be incorporated into the District's annual staff training schedule; and
3. In a newsletter or other similar document, notify parents and guardians of all District students that the District has developed a Plan to ensure that national-origin minority LEP students have equal and meaningful access to the District's educational services.

Reporting Requirement Agreement Term E.1: Within 90 days of final approval of the ALP Plan the District will provide documentation demonstrating completion of terms E(1-3).

F. **Monitoring of Agreement.** The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 and is in compliance with the regulations implementing Title VI, Section 504, and Title II which were at issue in this compliance review.

The District 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, Section 504, and Title II.

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.

_____/s/_____
For: Laramie County School District 1

____12/21/2016_____
Date: