

RESOLUTION AGREEMENT
Albuquerque Public School District
OCR Case Number 08-15-1275

In order to resolve OCR case number 08-15-1275, filed against the Albuquerque Public School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. part 103.

The District's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The District will revise policies and procedures for responding to allegations of race, color, and national origin harassment by District staff.

REPORTING REQUIREMENT A: Within 45 days of this Agreement, the District will provide OCR with a copy of the proposed draft policy and procedure for OCR's review and approval.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of the District's policy and procedure, the District will provide documentation supporting that the OCR approved policy and procedure have been adopted and published, including in handbooks and on its website.

2. The District will develop a notice of non-discrimination and notice of compliance officer to address allegations of race, national origin, or color discrimination, in accordance with the requirements of Title VI.

REPORTING REQUIREMENT A: Within 45 days of this Agreement, the District will provide OCR with a copy of the proposed draft notices and policy for OCR's review and approval.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of the District's notices and policy, the District will provide documentation supporting that the OCR approved notices and policy have been adopted.

3. The District will provide training on the policies in Paragraphs 1 and 2 to all staff at the District (teachers, office staff, and administrators), regarding how to respond to allegations of race, color, or national origin discrimination.

REPORTING REQUIREMENT A: Within 45 days of this Agreement, the District will provide OCR its draft training materials; identify who will provide the training, by name and title; and provide a list of personnel required to participate in the training, by name and title and school.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of the training materials, the trainer, and who is to attend the training, the District will provide documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

4. The District will provide notice to all parents, students, administrators and staff of the OCR approved notices, policies, and procedures discussed in Paragraphs 1 and 2.

REPORTING REQUIREMENT A: Within 60 days of OCR's approval of the notices, policies, and procedures in Paragraphs 1 and 2, the District will:

- Provide OCR with proof that all of the locations, the notices, and policy were published to include website links demonstrating the notices, policies, and procedures are available on the District's website.
 - E-mail all District parents, staff, and administrators copies or links of the approved notices and policy.
5. By May 27, 2016, an administrator or consultant designated by the District will review complaints of national origin/racial harassment received by the District since February 2015 regarding Alamosa Elementary School (including the information provided by the complainant) and will conduct a racial climate review at Alamosa Elementary School and identify any additional measures beyond those outlined in this Agreement necessary to ensure an environment free of national origin/racial harassment. To do this, the designated person will gather information from students, staff, and parents/guardians (e.g., interviews and surveys¹). The identified person will review all of the available information and determine if any additional actions are required to redress the effects of an alleged racially hostile environment that existed at Alamosa Elementary School during the 2014-15 school year, including any remedies that may be necessary to victims of harassment, such as (but not limited to) counseling, grade review, or safety plans, including students who have since left the School.
 6. During OCR's monitoring of this Agreement, the District will maintain records of all reports and complaints of national origin/racial harassment made by any party concerning alleged incidents at Alamosa Elementary School. Such records will include copies of each complaint, or, if unwritten, a narrative description; the date the complaint was filed, the actions taken by the District in response to the incident, including copies of any related investigative documents, including witness statements, and the written summary/report of the outcome of the investigation.

REPORTING REQUIREMENT A: By March 15, 2016, the District will submit to OCR, for review and approval, the name and title of the individual charged with conducting the climate review, including the individual's qualifications. Additionally, the District will submit the plan for conducting the climate review at Alamosa Elementary School.

¹ Participation in a survey by students will be entirely voluntary, and any survey will be conducted in a manner consistent with applicable law.

REPORTING REQUIREMENT B: By May 27, 2016, and after receiving OCR's approval, the District will submit information to OCR documenting its completion of the climate review. The documentation will include a copy of any notes or written summary of the climate review conducted, including the analysis of the results; a list and description of any measures undertaken by the District based on the results of the review, including the remedies it is providing to student victims of national origin/racial harassment at Alamosa Elementary School; and for any complaints or reports of racial harassment filed with the District during the 2015-16 school year, a copy of the complaint or report or if unwritten a narrative description, the date the incident(s) occurred, the date the complaint or report was made, and the actions taken by the District in response to the incident, including copies of any related investigative documents or reports documenting the outcome of the investigation.

REPORTING REQUIREMENT C: By May 27, 2016, the District will provide OCR with similar documentation regarding any additional measures that the District has taken at Alamosa Elementary School, beyond those already required in this Agreement, determined to be necessary to address concerns discovered in the climate review.

7. The District will submit a report regarding each ELL student at Alamosa during the 2014-2015 School Year with the following information:
 - The name and qualifications (including whether the provider has a TESOL or bilingual endorsement) of the primary provider of ELA instruction to the student during the 2014-15 School Year.
 - The name(s) of any paraprofessional, tutor, or assistant who worked with each ELL student during the 2014-15 School Year.
 - State whether the ELL student received the necessary minimum of 45 minutes of direct ELA instruction and provide the amount of weekly ELA instructional time each ELL student received.

For any ELL student who did not receive the necessary ELA instruction from a qualified ELA teacher, the District will convene a team of persons knowledgeable about the student and ELA instruction, including the students' parents, to individually assess the amount of compensatory services, if any, for each ELL student and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation. Should the District determine that no compensatory services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation, for OCR's review and approval.

REPORTING REQUIREMENT A: Within 60 days from the date of this Agreement, the District will submit documentation that meets the requirements of Term 7. For any proposed compensatory services or remedial measures, the District will submit its proposed compensatory services or remedial measures to OCR for review.

8. The District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures in Term 7. After the proposed compensatory services or remedial measures are accepted, the District will provide or begin providing the compensatory services or take the remedial measures.

REPORTING REQUIREMENT A: Within 30 days from the date of OCR's acceptance of the proposed compensatory services or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. The case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

9. The District will develop and implement a procedure for ensuring that all ELL students are provided with English language services by a qualified teacher (one with TESOL or bilingual endorsement) at the start of each school year and in a timely way for newly enrolled ELL students during the school year.

REPORTING REQUIREMENT A: The District will provide a draft procedure for OCR's review and approval. Within 30 days of OCR's approval, the District will adopt the procedure and implement it. Within 15 days of OCR's approval, the District will provide documentation supporting that the procedure has been adopted. By March 15, 2015 and October 1, 2016, the District will provide supporting documentation to OCR that all EL students at the School are receiving ELD services from qualified teachers.

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 of the Civil Rights Act of 1964, which were at issue in this case.

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.

The District 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, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees 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 of the Civil Rights Act of 1964, which were at issue in this case.

For Albuquerque Public School District:

/s/

2/23/2016

Date