

RESOLUTION AGREEMENT
Ombudsman Charter – Valencia Campus
OCR Case Number 08-17-1152

In order to resolve OCR case number 08-17-1152, filed against Ombudsman Charter Valencia Campus (Charter) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the Charter 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 Charter's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

The Charter voluntarily agrees to take the steps outlined in this Resolution Agreement to ensure that all EL students in the Charter receive the EL services they need to participate meaningfully in the Charter's educational program.

- 1) **A Plan to Serve All EL Students.** The Charter will develop a written Plan to ensure that EL students have equal and meaningful access to the Charter's educational program.
 - a) By October 13, 2017, the Charter will submit to OCR for review and approval an initial draft Plan for providing EL services to all its EL students. The Charter will continue to submit draft plans until OCR approves a final Plan for the Charter's full and timely implementation.
 - b) For each Plan item, the Plan will specify the appropriate policies and procedures, corresponding activities, the dates for these activities, the persons responsible, and the supporting documentation. The Charter's Plan will address the following educational services for EL students:
 - i) **Placement of EL Students.** The Charter will ensure, and incorporate into the Plan procedures to ensure, appropriate placement of all EL students into an EL program and EL services. The procedures will be designed to ensure that all EL students receive appropriate English language development services and will include in all EL students' files the Charter's documentation of placement decisions.
 - ii) **Selected EL Program Models.** The Charter will:
 - (1) Fully implement, and describe in its Plan, the EL model(s) that will be provided to all EL students at the School; and
 - (2) Delineate what English language development services will be provided to all EL students, based on their respective English-language and academic needs.
 - iii) **Staffing.** The Charter will ensure, and incorporate into the Plan procedures to ensure, that it has assigned a sufficient number of adequately trained teachers to fully implement the EL model(s) and services.

- (1) The Charter will describe the staffing resources it needs to effectively implement the EL model(s), including the training and qualifications of staff that provide direct English language development instruction to all EL students.
 - (2) The Charter will determine how many certified and endorsed/qualified teachers and other staff members are necessary to fully implement the EL model(s) at the School. In making this determination, the Charter will consider the number of EL students and the training and qualifications of staff needed to implement each service model. The Charter agrees that the primary providers of EL instruction are to be licensed teachers who are sufficiently trained and qualified to deliver EL instruction, including direct English language development instruction.
 - (3) The Charter will determine whether there are a sufficient number of adequately trained staff members assigned to properly implement the EL models and services and, if not, how many additional staff members need to be trained, hired, or assigned to the EL program to fill those staffing needs. The Charter will implement a plan to fully and timely meet its EL staffing needs (i.e., fully qualified staff teaching all EL students). The Charter will describe any specific training program for its staff, and include supporting documentation regarding its development and implementation.
 - (4) The Charter will show how it has determined that its teachers have mastered the skills necessary to teach effectively in a program for EL students. For example, in making this determination, the Charter will use validated evaluative instruments that have been shown to accurately measure the skills in question, and have EL teachers' classroom performance regarding EL program model strategies and techniques evaluated by someone familiar with the method being used and EL program model being implemented.
 - (5) The Charter will implement the staffing plan described in the preceding paragraphs to meet its staffing needs. The Charter will monitor the staffing plan's benchmarks or timelines to ensure adequate and timely progress in meeting the Charter's staffing needs.
- iv) **Reclassification and Monitoring.** The Charter will ensure
- (1) Reclassified/ former EL students will be formally monitored at least once per semester for two years after exit from the EL program. Documentation of monitoring of each student will be consistently maintained and address academic performance; and
 - (2) The Charter will timely remediate academic deficiencies identified in students who have exited the EL program. A description of the remediation steps will be included in the Plan.
- v) **Program Evaluation and Modification.** The Charter will incorporate into its Plan

its procedures for evaluating the effectiveness of its EL program and services for EL students. The Charter will collect longitudinal data annually for use in its evaluations. The Charter will include an analysis of the evaluation data according to each factor used for determining the effectiveness of the Charter's ALP. The Charter will also describe steps to modify or improve its ALP programs and services for EL students, where necessary, based upon the results of its program evaluation. The Charter agrees it 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 EL students.

(1) For the first self-evaluation due by January 30, 2018, the Charter will provide:

- (a) The total number of PHLOTE students and EL students for school year 2017-18;
- (b) An assessment of the EL program placement and services for EL students;
- (c) A description of staff training needs and the Charter's response to identified needs; and
- (d) Its policies and goals for providing educational services to EL students. This will include the Charter's objectives for providing educational services to EL students, including the objectives of the EL program models selected; and a list of specific, measurable language acquisition and performance goals for EL students.

(2) The Charter's Plan will provide, for school year 2017-18 and all subsequent program evaluations (to be conducted at least once every two years):

- (e) A description of the factors used to determine the effectiveness of the Charter's programs and services. Some factors to include in the self-evaluation are:
 - (i) Whether current EL students are satisfying established goals and objectives for student participation and achievement;
 - (ii) Whether the Charter's staff training program is sufficiently training teachers to meet EL students' English language development and access to content curriculum needs, and meeting the stated intent of the training program's design;
 - (iii) Whether current EL students are gaining in English language proficiency in speaking, reading, writing, and comprehension; and
 - (iv) EL and former EL students' academic progress and dropout, graduation, and grade retention rates, as compared to their non/never-

EL peers.

- (f) The procedures used to determine the extent to which staff hiring, training, or development is needed to ensure a full contingent of qualified teachers for the EL program to fully implement the Plan; and
- (g) The specific steps the Charter will take, including time frames and persons responsible, to ensure that program modifications or improvements are implemented when necessary to ensure program effectiveness for EL students.

2) **Implementation of the Plan.**

- i) Within 30 days of OCR's approval of the complete Plan, the Charter will submit a complete, final copy of the Plan to OCR by November 1, 2017, and will continue to implement all terms of the Plan. The Charter will implement the specific Plan provisions in accordance with the policies, procedures, and time frames specified in the Plan.
- ii) Within 60 days of OCR's approval of all terms of the Plan, the Charter will:
 - (1) Provide documentation to demonstrate that all school site administrators 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); and
 - (3) In a newsletter or other similar document or process that is used for parent notifications, notify parents and guardians of all Charter students (in a language they understand) that the Charter has developed a Plan to ensure that EL students have equal and meaningful access to the Charter's educational services.
- iii) The Charter will provide OCR with supporting documentation of each item of the Plan, at dates to be determined by OCR. The first reporting data of implementation for each plan issue item will be due to OCR by January 30, 2018.

The Charter 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 Charter understands that during the monitoring of this Agreement, if necessary, OCR may visit the Charter, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Charter has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

For Ombudsman Charter, Valencia:

/s/

9/25/17

Rudolph Flores
Senior Vice President - Operations
Ombudsman Educational Services

Date