

**Resolution Agreement
Ontario-Montclair School District
OCR Docket Number 09-09-5002**

The Ontario-Montclair School District (District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II). The District agrees to implement the actions described below.

I. Comprehensive English Learner (EL) Plan: Program Design and Description

- A. EL Expert: The District will retain an expert in the development and implementation of effective programs for English learners (EL), including long term English learners. The expert will work with District staff on the development of a comprehensive EL plan (described below), implementation of the comprehensive EL plan at school sites and the District level, and provision of the training specified in this Agreement.

- B. Comprehensive EL Plan: The District will develop a comprehensive EL plan that outlines how it will provide English language services and instruction to EL students enrolled in the District and how it will ensure that all EL students attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time. The approach/methodology must be recognized as sound by some experts in the field or recognized as a legitimate educational strategy. The comprehensive EL plan will include, at a minimum, the following:
 - 1. Identification of Potential EL Students: How the District will ensure that it identifies all potential EL students in need of English language assistance in a timely, valid, and reliable manner, including how the District will use and process the Home Language Surveys and other information (such as teacher input) to identify all students who have a primary or home language other than English.

 - 2. Assessment of Potential EL Students: How the District will ensure that it accurately and timely assesses students identified as having a primary or home language other than English to determine if they are EL students through a valid and reliable English language proficiency assessment(s). The assessment(s) will measure students' proficiency in all four domains of English—*i.e.*, speaking, listening, reading, and writing—and the District will

- articulate what level of performance on the assessment(s) qualifies students for EL services and will promptly notify their parents/guardians of the assessment results and the EL services to be provided to students in a language they understand. The District will also annually compare the District' local score with the State's official score on the CELDT (or successor test) to identify training needs for local scoring to ensure consistency between the two scores.
3. Record Keeping: How the District will maintain records for all EL students that will include information that allows the District to track the services provided to EL students, such as student name, school, grade level, assessment results, proficiency level, and the type, amount, and duration of English language services to be provided.
 4. English Language Assistance/English Language Development (ELD): How the District will ensure that it provides English language assistance to all EL students that is educationally sound in theory and effective in practice in teaching them English that includes the following:
 - i. A statement that the District will provide ELD to all EL students (until they are designated as Reclassified Fluent English Proficient (RFEP)) that takes into account each EL student's English proficiency level, grade level, educational background, language background, and disability (if any);
 - ii. The assessment measures that will be used to accurately determine the English proficiency level of each EL student for purposes of initial program placement and determination of ELD services, and for subsequent progression through different levels of English language proficiency;
 - iii. How ELD instruction will be differentiated to address the needs of EL students, at every English proficiency level and grade level, in all four language domains (*i.e.*, speaking, listening, reading and writing);
 - iv. How schools will provide sufficient ELD instruction to address the varied needs of all EL students; and
 - v. The curriculum, appropriate materials, and minimum amount of time necessary for ELD instruction for each grade level and English proficiency level.
 5. Staffing: How the District will ensure that EL program staff and providers are qualified for their positions and that EL program staffing is sufficient to provide EL students the EL services necessary to meet their needs.

6. *Instructional Materials and Other Resources*: How the District will provide all EL students with appropriate instructional materials in the EL program, including adequate quantities of English language development materials available at the appropriate English proficiency and grade levels.
7. *Access to Core Content Instruction and Other Programs*: How the District will provide all EL students with meaningful access to the core curriculum so that they can achieve parity of participation in the standard instructional program within a reasonable length of time, including:
 - i. How the District will address any academic deficits incurred by current and former EL students;
 - ii. How the District will ensure that all EL students, at all levels of English proficiency, have equal access to grade-appropriate core curriculum through instruction that is targeted to their level of English language proficiency, including any supplemental services, interventions or supports that may be necessary to ensure equal access;
 - iii. The use of supplemental materials for EL students at all English proficiency levels that are appropriate to the content area being taught and the English proficiency level of students; and
 - iv. How the District will ensure that all EL students have an equal opportunity to participate in advanced courses and programs, including gifted and talented education and honors classes.
8. *EL Students with Disabilities or Suspected Disabilities*: How the District will ensure that it appropriately identifies EL students who need or are believed to need special education or related services and how it will provide both English language assistance and disability related services to EL students with disabilities, including:
 - i. Guidelines for evaluators (e.g., school psychologists; language, speech and hearing specialists; and other evaluators) to follow in evaluating EL students who have disabilities (or are suspected of having disabilities) to ensure that they are evaluated in a timely and appropriate manner and that their language needs are considered in evaluations to avoid identifying EL students as having a disability based on their limited English language proficiency; and
 - ii. Guidance on the provision of ELD to EL students in special education, including the requirement that Individualized Education Program (IEP) and Section 504 Plans will specify the setting in which the ELD

instruction will take place and will include linguistically appropriate goals/objectives.

9. Monitoring of EL Student Progress: How the District will monitor the progress of all EL students to ensure they achieve English language proficiency and acquire content knowledge within a reasonable period of time, including:
 - i. Benchmarks for expected growth in acquiring English and academic content knowledge;
 - ii. How the District will monitor and assess student progress toward English proficiency and academic content knowledge;
 - iii. How the District will identify students not making expected progress or meeting District's program goals;
 - iv. Interventions or instructional modifications available to EL students not making expected progress, including services for EL students who have been enrolled in the District for five or more years without meeting the reclassification criteria. Also, a description of when and in what form or setting these interventions will be provided to EL students;
 - v. The process and frequency for reviewing the success of any such interventions/modifications for an individual EL student; and
 - vi. The steps that will be taken to modify the intervention program at schools where the programs are not successful.

10. Exit Criteria and Monitoring of Students Exited from the EL Program: How the District will identify EL students who should be exited from the EL program, and how it will monitor the academic and English language proficiency of students exited from the EL program for at least two years after their exit from the EL program, including:
 - i. Appropriate criteria for exiting and reclassifying EL students as RFEP; and
 - ii. Procedures to ensure that EL personnel monitoring exited students will consider, at a minimum, report card grades, progress reports, teacher input, and standardized test scores to determine whether to provide recently exited English learners with timely and appropriate interventions including inclusion in English learner program and services. If an exited student is unable to achieve at the same academic level as their English only proficient peers without EL

program services (including by reviewing grades and academic achievement data), the District will determine the EL services to be provided to the student, and will promptly notify the student's parents/guardians of the assessment results in a language they understand and the EL services to be provided in a language they understand.

11. EL Program Evaluation: How the District will evaluate the effectiveness of its EL program and analyze data to determine whether the program goals are being met or whether program modifications are necessary. The District will produce an annual written report, due on the same date each year, that addresses the following:

- i. Identifies the program goals and data that will be gathered to measure whether the District's program goals are being met;
- ii. Specifies a timeline for collecting data and preparing an annual narrative report that analyzes the data;
- iii. Specifies the contents of the annual narrative report, including if necessary, the specific reasons that program goals are not being met and identifying whether the failure to meet a goal is due to a deficit in program design or a deficit in program implementation;
- iv. Specifies the actions that the District will take to correct any deficits found in program design or implementation; and
- v. Identifies the administrators and staff members who are responsible for each step in the evaluation process.

C. EL Notice to Parents: The District will draft and disseminate an EL Notice to Parents, which will describe the District's educational program and design for EL students and specify the interventions, modifications, and services that are available to EL students who are not making expected progress, including for EL students who have been in the District for five or more years without meeting the reclassification criteria. The EL Notice to Parents will contain information on how parents can provide complaints or dissatisfaction with the District's EL program and receive a response and/or remedy and will be translated for Limited English Proficient parents/guardians in their respective languages in a manner that is consistent with the District's obligations under Title VI.

Reporting Requirements

1. By February 1, 2017, the District will provide the name, contact information, and qualifications of the expert referenced in Item I.A. above to OCR for review and

approval. Within 30 days of OCR's approval, the District will secure the expert's services.

2. By September 30, 2017, the District will submit to OCR, for review and approval, a copy of the comprehensive EL plan pursuant to Item I.B. above. The District will incorporate OCR's comments and revisions to the comprehensive EL plan, and will adopt and implement it within 60 days of OCR's approval.
3. After the District has implemented the comprehensive EL plan for one full semester, it will provide OCR with a written report within 30 days after the semester's end. The written report will assess the degree of implementation of the comprehensive EL plan at the District level and at each school site, and if needed, will identify steps the District will take to ensure full implementation of the comprehensive EL plan. The written report will also include documentation of the implementation of the comprehensive EL plan, including but not limited to, the Home Language Survey, any data collected and reviewed pursuant to the comprehensive EL plan, a list of instruction materials used with EL students and documentation demonstrating that the materials are appropriate, documents demonstrating the monitoring of EL student progress, staffing information, a list of EL students who met the criteria for reclassification during the semester and documentation that the District is monitoring the progress of students exited from the EL program.
4. By June 30 of the 2018-19, 2019-20, and 2020-21 school years, the District will provide OCR with documentation demonstrating the results of its annual program evaluation, consistent with the OCR-approved evaluation plan described in Item 1.B.11 above, including a copy of the annual written report required by that Item and, for OCR review and approval, documentation of any changes the District proposes to take, including with respect to training, implementation, and/or the comprehensive plan, as a result of the evaluation. The District will include in its documentation to OCR an analysis of the number and percentage of EL students at each school who met the District's annual program goals for progressing towards reclassification, and will conduct a separate analysis focusing on the performance of long-term EL students at each school.
5. Within 30 days of OCR's approval of the comprehensive EL plan referenced in Item I.B. above, the District will submit to OCR, for review and approval, a copy of the EL Notice to Parents pursuant to Item I.C above. Within 30 days of OCR's approval, the District will provide OCR with documentation that it has publicized and disseminated the EL Notice for Parents.

II. Training on the Comprehensive EL Plan

- A. In order to ensure effective implementation of the comprehensive EL plan, the District will develop a training plan for OCR review and approval. The training plan will specify the titles and qualifications of those providing the training, the staff to be trained, the frequency and duration of the training to be provided, and the training topics that will be covered in order to provide tailored and differentiated training to groups of employees as follows:
1. All District and school administrators to ensure that they can oversee and implement the comprehensive EL plan at school sites: The District will ensure that administrators who are responsible for overall implementation of the EL Plan adequately trained to assess implementation data and information, make continuous improvements, and meaningfully evaluate whether EL teachers are appropriately employing the training in the classroom and are adequately prepared to provide the instruction that will ensure that the EL program model successfully achieves its educational objectives.
 2. All teachers to ensure that they can fulfill their responsibilities under the comprehensive EL plan and can meet the needs of EL students in the classroom: The District will ensure teachers are trained on how to deliver instruction that is targeted to EL students' level of English language proficiency, how to use supplemental materials, strategies, or supports that are appropriate to the needs of EL students to ensure equal access to core content, and how to monitor the progress of EL students and provide interventions and provide support to EL students who are not making expected progress. For special education teachers, specific training on providing ELD to EL students in special education, including specifying the setting in which ELD will be provided and the English language objectives/goals in EL students' Individualized Education Programs and Section 504 plans.
 3. All special education evaluators (e.g., school psychologists; language, speech and hearing specialists; and other evaluators) on guidelines to follow in evaluating EL students who have or are suspected of having disabilities to ensure that they are evaluated in a timely and appropriate manner and that their language needs are considered in evaluations.

Reporting Requirements

1. Within 30 days of OCR's approval of the comprehensive EL plan referenced in Item I.B. above, the District will provide OCR, for review and approval, the training plan pursuant to Item II.A. above. Within 120 days of OCR's approval

of the District's training plan and by November 1 of the 2019-20 and 2020-21 school years, the District will provide OCR with documentation sufficient to demonstrate that the training has been completed for all the required employees for each year.

General Provisions

The monitoring term for this Agreement is a minimum of three years. 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 District staff, 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, which were at issue in 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.

_____/s/_____
James Q. Hammond
Superintendent
Ontario-Montclair School District

_____1/17/2017_____
Date