

**Resolution Agreement**  
Temecula Valley Unified School District  
OCR Docket No. 09-14-1287

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of the Temecula Valley Unified School District (District) to determine whether the District denies equal educational opportunities to national origin language minority students in its middle schools. The District is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI) because it receives Federal financial assistance from the Department of Education. Title VI provides, in relevant part, that no program or activity receiving Federal financial assistance from the U.S. Department of Education may discriminate on the basis of race, color, or national origin.

In order to address concerns identified by OCR during its investigation, the District agrees to implement the provisions in this Resolution Agreement (Agreement).

**I. EL Coordinating Committee**

- A. The District will identify a committee of administrators, teachers, and parents to assist with its ongoing review and revisions to its Master Plan for English Learners (Master Plan) and to assist the District in fully implementing the Master Plan, including consulting on the design and delivery of professional development, the monitoring of ongoing program implementation, the evaluation of English Learner (EL) program success, and the involvement of LEP parents. The EL committee will include, but not be limited to, the following District-selected members:
1. 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 and members of the EL Coordinating Committee on the revision of the District's Master Plan (described below), implementation of the revisions to the Master Plan at the middle school sites and the District level, and provision of training specified in this Agreement. The EL expert may be an independent contractor or an employee of the District.
  2. A District administrator with experience and training concerning the development and implementation of programs for EL students;
  3. Two or more teachers with substantial experience teaching English language development (ELD); and
  4. Two or more parents of EL students; and

5. At least one member of the District English Learner Advisory Committee (DELAC).
- B. By June 30, 2017, the District will provide OCR with the name, contact information, and qualifications of the expert referenced in item I.A.1 and the names, positions, and contact information of the committee members listed in item I.A.2-5.

## II. **Master Plan for English Learner Services**

### A. **Program Design and Implementation**

1. The District will continue to revise its Master Plan as described in this agreement to describe a comprehensive program of English language services and instruction that meets Title VI standards. The revised Master Plan will outline 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 will be recognized as a legitimate education strategy.
2. The Master Plan will describe goals for the District program for EL students, including expectations, by the year in the program, for EL student progress in English acquisition and academic achievement.
3. The Master Plan will describe the EL program accountability of staff at all levels, including the roles and responsibilities of staff at the District and at the school site levels for delivering EL services and ensuring compliance with the Master Plan and this Agreement.
4. In reviewing and revising its Master Plan, the District will include input from the EL Coordinating Committee and teachers, administrators, and parents/guardians.
5. The District will provide OCR with a draft of the revised Master Plan by June 30, 2018, for OCR review and approval. The Master Plan will be modified as necessary to address OCR's stated comments and concerns. Implementation will begin immediately upon OCR's final approval.

The revised Master Plan will be fully implemented in all District middle schools within 30 days after the start of the 2018-19 school year

### B. **Program Areas**

**1. Identification and Assessment of English Learners**

- a. The Master Plan will describe the steps that will be taken to ensure that all students who enter the District with a primary or home language other than English are identified and assessed in a timely, valid, and reliable manner. The description shall include how the District will 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 immediately upon registration, so that they may be placed in the appropriate educational program without delay.
- b. All teachers will receive information that identifies all English learners in their class(es), their English proficiency level, the length of time they have been in EL programs, and the teacher designated to provide each student with ELD. This information will be updated regularly, and at least at the beginning of each semester.

**2. English Language Development**

- a. The Master Plan will describe how the District will ensure that all EL students, including students with disabilities, receive ELD instruction until they meet District reclassification criteria and are reclassified as fluent English proficient (R-FEP).
- b. The Master Plan will describe how the District will ensure that EL students at the elementary school level are provided ELD instruction that addresses their level of English proficiency. The Master Plan will describe models for providing ELD instruction in elementary school, middle school and high school and by English proficiency level, including the minimum duration of designated ELD instruction.
- c. The Master Plan will describe the designated ELD instruction to be provided to middle school students and high school students at each English proficiency level. The Master Plan will specifically describe the programs and services to be provided to the following groups of students:
  - i. Students with less than five years of schooling in US schools, including those with interrupted formal education.
  - ii. Students, who have been enrolled in the District for more than five years but have not yet met District criteria for reclassification as R-FEP.

- d. The District will schedule ELD instruction at the middle schools so as to allow EL students to participate in subject area support and tutoring programs, including middle school intervention periods, that are provided to all non-EL students to provide access to the core curriculum.
- e. All designated ELD instruction will be provided using standards-based curricula and materials that are specifically designed for EL students at the proficiency level and grade levels of the students being instructed.
- f. The Master Plan will describe the methods by which EL students' progress in acquiring English will be monitored, and the specific positions at each elementary school, middle school, and high school responsible for conducting and coordinating progress monitoring.
- g. EL students who are not making expected progress in acquiring English, as defined in the Master Plan with reference to the program goals, will receive effective intervention services as described below in subsections i.-iv. The Master Plan will describe the following with regard to middle school students:
  - i. How students who need interventions will be identified and assigned appropriate interventions;
  - ii. The specific interventions that will be available;
  - iii. The process and frequency for reviewing the effectiveness of any such interventions; and
  - iv. The steps that will be taken to modify the intervention programs to meet the student's needs.

### **3. Access to Core Content Instruction**

- a. The Master Plan will describe how the District will ensure all EL students, at all levels of English proficiency, have equal access to the core curriculum through instruction that is targeted to their level of English language proficiency. This description will include, but not be limited to, the following:
  - i. A description of how and in what context EL students are expected to receive integrated ELD instruction.
  - ii. A description of how middle school students with the most limited English proficiency, including those who enter the District during the school year, receive access to grade level content instruction,

including how they will be grouped for instruction, and the instruction and assistance that will be available to them in class and outside of class to ensure that they are able to understand oral instruction and written instructional materials.

- b. Middle school students who are not making expected academic progress, as defined in the Master Plan program goals, will receive designated intervention services at their school sites.

#### **4. Reclassification**

- a. The Master Plan will address the following areas:

- i. The process and criteria for reclassifying EL students as R-FEP;
- ii. The District's expectations for continued progress of R-FEP students toward proficient grade-level academic achievement as measured by grades and student assessments, and methods for monitoring reclassified students' progress toward proficient achievement; and

The instructional supports that will be available to students after they reclassify, to ensure that they meet District progress expectations, including the specific intervention and support services that will be provided to reclassified students who do not make expected progress towards grade-level academic proficiency.

#### **5. Special Education**

- a. The Master Plan will describe 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:

- 1. Guidance on the delivery of ELD to EL students in special education (SPED EL), including that IEP and Section 504 teams for SPED EL students include individuals who are knowledgeable about EL student instruction, and that all IEPs address the setting in which the student will receive ELD instruction, and linguistically appropriate goals and objectives that address his/her level of English proficiency.
- 2. A statement of assurance that the District will provide both special education services and English learner services to each SPED EL in a manner appropriate to the student's individual

needs and in accordance with each student's IEP, regardless of the nature or severity of the student's disability, the student's English proficiency level, or the length of time the student has been identified as an English learner. Students with disabilities will receive ELD instruction with nondisabled students to the maximum extent appropriate to their individual needs.

3. The District will provide ELD materials to all special education teachers who are responsible for providing ELD to SPED EL students.

## **6. Teacher Qualifications and Professional Development**

- a. The Master Plan will specify the required qualifications and responsibilities of teachers who provide ELD, content instruction, special education, and intervention services to middle school EL students. These qualifications will include both authorization/certification to teach EL students and the professional development that will be provided to these teachers to enable them to deliver the District's EL program and curricula.

## **7. Program Implementation and Evaluation**

- a. The Master Plan will describe the mechanisms through which the District will ensure that the program for EL students is fully implemented. These mechanisms will include:
  - i. Regular verification and documentation by site administrators that they have taken the steps required by the relevant sections of the Master Plan;
  - ii. The methods by which the District will ensure that classroom ELD and content instruction for EL students is consistent with the strategies and curriculum described in the Master Plan, that students' progress in learning English and accessing the core curriculum is regularly monitored, and that students who are not making expected progress receive effective intervention services;
  - iii. Monitoring to ensure that students with disabilities receive EL services until they meet District reclassification criteria; and
  - iv. The staff who are responsible, by position title, for implementing all provisions of the Master Plan. These staff members may be noted in each specific section of the Master Plan.

- b. The Master Plan will include a description of 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 (see Section II.A.2 above) 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.

#### **8. Parent Information**

- a. The Master Plan will describe how the District will provide information to parents about their children's educational program in a language they understand, including the structure of the EL program and the District's expectations for student progress to the same extent as non-EL students are provided the same types of information regarding the programs in which their children participate.
- b. The Master Plan will describe how the District will ensure meaningful communication with parents who are not proficient in English in a language they can understand and that they provide such parents with adequate notice of any program, service or activity that is called to the attention of parents who are proficient in English.

#### **IV. Training on EL Master Plan Implementation**

- A. The District will provide training regarding the Master Plan to District staff with responsibilities for implementing the Master Plan, including, but not limited to, middle school site administrators, teachers, and paraprofessionals.

- B. The District will provide middle school teachers with necessary professional development and/or coaching on providing ELD and content instruction and on identifying students who are not making expected progress in learning English.

Reporting Requirements

- C. Within 60 days of OCR's approval of the Master Plan the District will provide to OCR, for review and approval, a schedule of the professional development it will provide as described above, including the name, title, and qualifications of the persons providing the training, the training materials, and the staff who will be required to attend.
- D. Within 90 days of OCR's approval of the schedule of professional development, the District will complete the training as described above in keeping with that schedule, and will provide OCR with evidence sufficient to demonstrate that the training has been completed.

**V. Interim EL Programs and Reporting**

- A. While the Master Plan is being finalized, the District will ensure that each EL student at its middle schools receives:
  - 1. ELD instruction targeted to his/her level of English proficiency, from a teacher who has received training on the specific EL program he/she is responsible for delivering.
  - 2. Assistance in accessing core content instruction from teachers who have received training.
- B. While the Master Plan is being developed, the District will develop and implement a short-term plan for staff professional development for all staff responsible for the following:
  - 1. Delivering designated ELD instruction;
  - 2. Delivering integrated ELD instruction; and
  - 3. Monitoring the progress of all EL students, including but not limited to EL students who are also identified as SpEd students, in learning English and accessing the core curriculum and/or identifying or delivering intervention services to students not making expected progress.
- C. The District will provide OCR with a copy of the professional development plan for OCR review and approval by April 30, 2017. All teachers will begin to receive training according to the interim plan in May of 2017.

D. The plan shall include the following components related to its middle schools:

1. Designated Instruction Staff Development by May, 2017

- a. By May 2017, all middle school teachers responsible for teaching designated ELD will receive initial designated ELD staff development in the newly adopted Program 2 ELA/ELD Textbook resources. Teachers will understand how to effectively instruct and implement designated ELD using the designated ELD materials, which coordinate with the academic curriculum in English.
- b. By May 2017, all middle school teachers responsible for teaching designated ELD will receive the updated ELA/ELD Unit Planning Organizers (UPO), which are tools ensuring a guaranteed and viable curriculum in the District. The UPOs will list ELA and the corresponding ELD standards to provide teachers with a resource for planning appropriate designated ELD which prepares ELs to participate in the English academic curriculum.

2. Designated Instruction Collaboration

- a. Beginning August 16, 2017, the Director of Curriculum and Instruction responsible for secondary English Learners will meet at least two times per month, throughout the school year, with the ELA Specialist responsible for providing designated ELD instruction. During these meetings, teachers will:
- b. Collaborate as a professional learning community on the four essential questions regarding each Unit Planning Organizer, which are as follows:
  - i. What do we want our English learners to know?
  - ii. How will we know when they have learned it?
  - iii. What will we do if no progress is made in English?
  - iv. What will we do for English learners who already know the English addressed in the unit?
- c. Receive training on the new proficiency levels and ensure curriculum and instruction is focused on the new proficiency level bands.
- d. Receive training on researched instructional strategies ensuring English proficiency in each sub-domain and overall.

- e. Share effective instructional researched practices with one another.
- f. Create designated ELD lessons to compile in a District data base for all teachers to access.
- g. Evaluate evidence of student learning to evaluate effectiveness of ELD program.
- h. Discuss how to communicate English progress with parents of EL students.
  - i. The District will provide follow-up training on designated ELD during the September 15, 2017 District Staff Professional Development Day.
  - ii. The District will ensure that special education teachers with EL students receive training on designated ELD instruction through the following: late start Monday PLCs, staff meetings, District professional development days, and or after school meetings.

### 3. Integrated Instruction

- a. During the 2017-18 school year, Specialists and APs will train EL teachers who have clusters of EL students on integrated instruction in content areas. Trainings will occur at staff meetings, after school sessions, and/or late start Mondays.
- b. Following receipt of the new ELA/ELD textbook resource, the District will provide training to middle school English Language Arts teachers.
- c. The District will implement an EL Achieve pilot program with one middle school during the 2017-18 school year.
- d. All integrated instruction trainings will include content knowledge and making meaning themes for all content areas.
- e. Through late start Monday PLCs, staff meetings, District professional development days, and or after school meetings, all core academic middle school teachers with EL clusters, will receive integrated instruction.
- f. The District shall ensure special education teachers participate in the above-noted integrated instruction trainings and meetings.

### 4. Monitoring During the 2017-18 School Year

- a. Counselors, ELA Specialists, and Special Education teachers who work with EL students on an ongoing basis will monitor student attendance and academic progress through Infinite Campus on an ongoing basis
- b. ELA Specialists and/or Special Education teachers will provide appropriate academic interventions to those students who are not meeting academic expectations.
- c. A Counselor, ELA Specialist or Special Education teacher will notify parents of academic concerns as they arise in a language they understand.
- d. PLC teams will provide interventions for English learners in the PLC team's content areas.
- e. Special Education teachers will regularly work with ELA Specialists to ensure all dually tagged students receive designated ELD instruction and make progress on their linguistic goal(s). The Special Education teachers and ELA Specialists will monitor the instruction to ensure it is provided in accordance with this paragraph.

#### Reporting Requirements

- E. By September 30, 2017 the District will submit to OCR, for its review and feedback, the following information concerning each middle school in the District:
1. A list of all EL students at each of the District's middle schools, with the following information for each student:
    - a. Name or identification number;
    - b. Home language;
    - c. Most recent overall CELDT score;
    - d. Date of entry into the District
    - e. Current class schedule
    - f. Name of teacher responsible for providing ELD to the student;
    - g. Name of class in which ELD is provided; and
    - h. Special education status.
  2. The English Language Arts (ELA) Specialists job description.
  3. A current master schedule for the middle schools.
  4. A course outline for the Discovery Class at each middle school.

5. A description of the EL services that will be provided at each middle school during the 2016-17 school year in order to ensure that all EL students receive ELD that is targeted to their level of English proficiency, and that students not making expected progress in learning English or accessing content instruction are identified and receive appropriate interventions or support services. The description will include:
  - a. The options available for receiving ELD instruction;
  - b. The means by which EL students' progress in learning;
  - c. How English acquisition and accessing core instruction will be monitored;
  - d. The intervention services that will be provided to EL students who are not making expected progress; and
  - e. The training that will be or has been provided to staff to enable them to provide EL students with ELD instruction and access to core instruction pending adoption of the revised Master Plan.
6. A list of all students reclassified as R-FEP while they were in middle school since the 2013 – 2014 school year, and documentation that each such student met reclassification criteria.

The District will work cooperatively with OCR to address all comments and recommendations based on the District's submission, and will fully implement the interim EL program during the 2016-17 school year, until the Master Plan is completed and adopted.

#### VI. **Services for Individual Students**

- A. The District will review the academic records of each EL student enrolled at Bella Vista Middle School during the 2013-14 and 2014-15 school years whose overall CELDT scores was Beginning, Early Intermediate, or Intermediate, and who was not enrolled in an ELD class at any time during those school years. For each such student, the District will develop a remedial plan for compensatory instruction. Where compensatory instruction has already been made available and/or provided to an individual student, the remedial plan will describe those services and include a determination as to whether additional services are needed.
- B. The District will review the academic records of each EL student enrolled at Bella Vista Middle School during the 2014-15 school year who received ELD instruction during a schoolwide intervention or reading period. For each such student who received a 'D' or 'F' grade in mathematics, English, science, or

social studies, the District will develop a remedial plan for compensatory education. Where compensatory instruction has already been made available and/or provided to each student, the remedial plan will describe those services and include a determination as to whether additional services are needed.

### Reporting Requirements

- C. By June 30, 2017, the District will submit to OCR the following information regarding the steps it has taken to meet the requirements of VI.A.:
1. A list of all students identified under VI.A. or B
  2. A copy of the remedial plan developed for any student identified under VI.A. or B.
  3. A narrative description of the process used by the District to review the academic records as required under VI.A and B.

### **VII. Monitoring and Reporting**

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 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 the regulation implementing Title VI, at 34 C.F.R. part 100, that were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Title VI and the regulation implementing Title VI, at 34 C.F.R. part 100, that 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.

For the Temecula Valley Unified School District:

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy Ritter  
Superintendent

\_\_\_\_\_04/07/2017\_\_\_\_\_  
Date