

Resolution Agreement
Greenfield Union Elementary School District
OCR Docket No. 09-14-1294

I. Background

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of the Greenfield Union Elementary School District (District) to determine whether the District denies equal educational opportunities to national origin language minority students in its 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.

Without admitting or conceding any violation of any Federal law with respect to the issues raised in this review, the District agrees to implement the provisions in this Resolution Agreement (Agreement).

II. English Learner (“EL”) Director or Coordinator

- A.** The District will retain an employee or Director/Coordinator (EL Director/Coordinator) with expertise on the needs of EL students and the development of an EL program. The EL Director/Coordinator will assist the District in revising its *Master Plan for English Learners* (Master Plan), and in fully implementing its Master Plan, including the design and delivery of professional development, the development of English language development (ELD) curricula, and the evaluation of the District’s EL program. The EL Director/Coordinator will have experience in the following areas:
1. Implementing or revising EL Master Plans or comparable comprehensive plans for programs for EL students at grades K – 8;
 2. Evaluating ELD curricula;
 3. Implementation and evaluation of the District’s EL program.
- B.** The EL Director/Coordinator may be an independent contractor or an employee of the District. The District, after retaining its Director/Coordinator, will promptly provide the Director/Coordinator with all appropriate information necessary for the Director/Coordinator to engage in this process.
- C.** By **August 1, 2015**, the District will provide OCR with the name, curriculum vitae, and contact information of the EL Director/Coordinator.

III. Master Plan for English Learner Services

A. Program Design and Implementation

1. The District will review its *Master Plan for English Learners* (Master Plan) and revise as necessary to describe a comprehensive program of English language services and instruction that meets Title VI standards. The revised Master Plan will incorporate the "Program Areas" provisions of this Agreement.
2. The Master Plan will describe goals for the District program for EL students, including expectations, by year in 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 implementing the delivery of 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 teachers, administrators, and parents/guardians.
5. The District will provide OCR with a draft of the revised Master Plan by **December 31, 2015**. 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.
6. The revised Master Plan will be fully implemented in all District schools by **September 1, 2016**.

B. Program Areas

1. English Language Development

- a. The District will ensure that all EL students receive ELD instruction until they are reclassified as fluent English proficient (FEP).
- b. The District will ensure that EL students at the elementary school level are grouped for daily ELD instruction that addresses their level of English proficiency. The Master Plan will describe how elementary school teachers are expected to provide ELD instruction, including the minimum duration of ELD instruction.
- c. The Master Plan will describe the ELD instruction to be provided to middle school students at each ELD proficiency level. The Master Plan will describe the program services or interventions to be

provided to students who have been enrolled in the District for more than five years but have not yet met District criteria for reclassification as FEP.

- d. All ELD instruction will be provided by appropriately credentialed teachers, using standards-based curricula and materials that are specifically designed for the proficiency level and grade levels of the students being instructed.
- e. 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 designated effective intervention services. The Master Plan will describe:
 - i. How students who need interventions will be identified and assigned appropriate interventions;
 - ii. The specific interventions that will be provided;
 - iii. The process and frequency for reviewing the success of any such interventions;
 - iv. The steps that will be taken to modify the intervention program at schools where the programs are not successful; and,
- f. While the Master Plan is being finalized, the District will develop a timeline/schedule stating when new professional development/training will be provided to all teachers on the ELD curricula.

2. Access to the 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.
- b. The Master Plan will describe 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.

3. Reclassification

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

- i. The process and criteria for reclassifying EL students as FEP;
- ii. The District's expectations for continued progress of 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,
- iii. 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.

4. Special Education

- a. The District will provide both special education services and English learner services to each special education EL student (SPED EL) in a manner appropriate to the student's individual needs, regardless of the nature or severity of the student's disability as defined by the SPED EL student's individualized education plan (IEP) or Section 504 Plan. The Master Plan will include guidance on the delivery of ELD to each EL student in special education.
- b. The Master Plan will include provisions to ensure that all 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 goals and objectives that address his/her level of English proficiency.
- c. The District will provide ELD materials to all special education teachers who are responsible for providing ELD to SPED EL students.

5. Matriculation

- a. The Master Plan will describe the steps that the District will take to inform the appropriate parties of the needs of the EL student as he/she progresses to the high school district, including the transfer of the student cumulative file to the receiving district.

6. Teacher Qualifications and Professional Development

- a. The Master Plan will specify the required qualifications of teachers who provide ELD, content instruction, special education, and intervention services to 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. Verification 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; and
 - iii. Monitoring to ensure that students' progress in learning English and accessing the core is regularly monitored and that students who are not making expected progress receive effective intervention services.
- b. The Master Plan will include a description of a comprehensive system for annually evaluating and monitoring implementation of the EL program. The evaluation will include:
 - i. Analysis of data that addresses EL students' English acquisition and academic achievement based on students' grade levels, English proficiency levels, time in District program, and instructional setting. Data will be analyzed to determine the extent to which students are meeting the District's goals for the EL program (see section III.A.2, above); and,
 - ii. Provisions for using the data analysis to develop comprehensive plans for improving program implementation, providing necessary professional development, and modifying the District's program as needed to improve EL student success.

IV. Training on EL Master Plan Implementation

- A. The District will provide training regarding the Master Plan to District administrators with responsibilities for implementing the Master Plan, and to school site administrators, teachers, parents, paraprofessionals, and other staff.
- B. The District will provide teachers with necessary professional development and/or coaching on providing ELD and content instruction in settings that include EL students at multiple English proficiency levels and on identifying students who are not making expected progress in learning English.
- C. Within 10 days of OCR's approval of the Master Plan, the District will provide OCR with a schedule of the professional development it will provide District-wide as described above.
- D. Within 60 days of OCR's approval of the Master Plan, the District will complete the training as described above, 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 Master Plan dated Spring 2011 and District EL policies, current as of May 2015, will remain in effect.
- B. Until the Master Plan identified in Section III is finalized, the District will provide the following data and documents to OCR:
 - 1. By **June 30, 2015**, the District will submit to OCR a written report describing the how each school ensures that students at each grade and English proficiency level receive ELD instruction that addresses their needs, using appropriating instructional groupings and materials. The report will also include a written explanation as to how the materials are appropriate to the curriculum and comparable in quality, availability, and grade level content to materials provided for the instruction of non-EL students.
 - 2. By **June 30, 2015**, the District will submit to OCR the following information concerning each school in the District:
 - a. A list of all EL students at the District's middle school, with the following information for each student:
 - i. Name or identification number;
 - ii. Home language;
 - iii. Most recent overall CELDT score;
 - iv. ELD level (if different from CELDT score);
 - v. Name of teacher responsible for providing ELD to the student;

- vi. Name of class in which ELD is provided; and,
 - vii. Special education status.
- b. For each elementary school, a list of the teachers at the school with their grade level assignment and, if EL students are regrouped for ELD instruction, the proficiency level of their ELD assignment.
 - c. A current master schedule for the middle school.
 - d. A description of the EL services that will be provided at each school during the 2015-16 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:
 - i. The options available for receiving ELD instruction (e.g. ELD groupings at each elementary grade level; designated ELD courses at the middle school; literacy support classes for selected students; etc.);
 - ii. The mechanism to be used to ensure that all identified EL students receive one of the available options, depending on their English proficiency level and educational needs;
 - iii. The means by which EL students' progress in learning English and accessing core instruction will be monitored;
 - iv. The intervention services that will be provided to EL students who are not making expected progress; and,
 - v. The training that will be 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.
 - e. 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 2015-16 school year.

VI. Monitoring and Reporting

The District will maintain records of all information pertinent to compliance with the terms of this Agreement and will provide such information to OCR upon request.

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 a minimum of 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. 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.

For the Greenfield Union Elementary School District:

_____/s/_____
Doc Ervin
Superintendent

_____05/19/2015_____
Date