

**Resolution Agreement**  
Vista Unified School District  
Case No. 09-17-1103

In order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against Vista Unified School District (the District) pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations, the District agrees to take the actions in this Resolution Agreement (Agreement).

**I. Master Plan**

- A. The District will develop and fully implement its English Learner Master Plan (Master Plan), which must include, but is not limited to:
1. Standards, criteria for placement and educational content for English Learner students in integrated and designated English language development (ELD), mainstream English language arts, structured English immersion classes and Academic Language and Literacy classes;
  2. Guidance on any other instructional program that English language arts teachers are expected to provide to English Learner students who are not enrolled in other ELD courses that addresses their level of English proficiency and is designed to enable them to attain fluent English proficiency within a reasonable amount of time;
  3. Current expectations for monitoring the progress of English Learner students in learning English and accessing the core curriculum, taking into account both academic achievement and progress toward fluent English proficiency, and the methods by which sites will identify, implement, and evaluate interventions and supportive services for students who are not making adequate progress. Monitoring will address the needs of English Learner students who are not succeeding in their academic classes and those who are receiving passing grades but not making expected progress toward reclassification as fluent English proficient, including long term English Learners (LTELs) and students at risk for becoming LTELs;<sup>1</sup>
  4. Interventions that are non-special education related and offered in-school during the school day for English Learners;
  5. Interventions for Long Term ELs (LTELs) and potential LTELs<sup>2</sup> in upper elementary school, middle school, and high school; and
  6. Standards and data collection that the District will use to evaluate the effectiveness of the educational program for English Learners.

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<sup>1</sup> Defined as an EL student with six or more years of uninterrupted schooling in the United States

<sup>2</sup> Defined as an EL student with five years of uninterrupted schooling in the United States.

## B. Reporting Requirements

1. By December 11, 2020, the District will provide OCR with a draft Master Plan, which includes Sections I.A.1-I.A.6, for review and approval.
2. Within thirty (30) calendar days of OCR's approval of the draft Master Plan, the District will formally adopt the Master Plan. Within fifteen (15) calendar days of formally adopting the Master Plan, the District will provide to OCR documentation confirming that the Master Plan was adopted by the District.
3. Within thirty (30) calendar days of the end of each semester during 2020-2021 and 2021-2022 school years after the Master Plan is formally adopted, the District will provide to OCR a report describing the implementation of the Master Plan, which includes, but is not limited to:
  - i. Demographic information (number of English Learner students, LTEL students, potential LTEL students, Reclassified Fluent English Proficient (RFEP) students, newcomers; concentration of English Learner students and RFEP students across grades and school sites);
  - ii. A summary of the evaluation of the effectiveness of the educational program for English Learners as required by the Master Plan;
  - iii. English Learner students' ELPAC levels/scores at each school site;
  - iv. English Learner students' and RFEP students' SBAC scores at each school site;
  - v. Reclassification data thus far in the school year at each school site;
  - vi. An assessment regarding each school site's monitoring of English Learner and RFEP student progress, including adherence to the District's monitoring procedures as outlined in the Master Plan;
  - vii. Areas of strength in terms of the District's implementation of the Master Plan;
  - viii. Areas to improve implementation of the Master Plan and an action plan to address these areas of improvement; and,
  - ix. A knowledgeable person(s) to review and discuss the report with OCR.

The District understands that following OCR's review of the report, OCR may request additional information, including, but not limited to, information regarding specific students, to ensure that the District is fully implementing the Master Plan.

## II. Professional Development

- A. The District will develop and implement a professional development plan (PD Plan) for the 2020-2021 school year, which describes training that will be provided to all teaching and administrative staff at different levels in the District (elementary, middle and high school) concerning the English Learner program before the Master Plan is finalized. The PD Plan will continue into the 2021-2022 school year, after the Master Plan is approved. The PD Plan must include, but is not be limited to:
  1. Educational programs, supports, and monitoring requirements for English Learner students; and

2. Expectations for monitoring the progress of English Learner students in learning English and accessing the core curriculum, taking into account both academic achievement and progress toward fluent English proficiency, and the methods by which sites will identify, implement, and evaluate interventions and supportive services for students who are not making adequate progress, beyond classroom observation. Monitoring will address the needs of English Learner students who are not succeeding in their academic classes and those who are receiving passing scores on their report card but not making expected progress toward reclassification as fluent English proficient, including LTELs and potential LTELs.

#### B. Reporting Requirements

1. By September 30, 2020, the District will provide to OCR a draft of the PD Plan for 2020-2021, which will contain the title(s) and name(s) of the proposed trainers and the proposed materials for the training described in Section II.A. above for OCR's review and approval.
2. Within fifteen (15) calendar days of completing all of the training(s) required by the approved 2020-2021 PD Plan described in Section II.A. above, the District will provide to OCR documentation showing that the training occurred including attendance lists, the training date, the subject matters covered, the length of the course, a copy of any materials used or distributed during the training, and a list of all teaching and administrative staff at the School with an accounting of which trainings they completed.
3. If the 2021-2022 PD Plan differs from the 2020-2021 PD Plan, by May 28, 2021, the District will provide to OCR a draft of the PD Plan for 2021-2022, which will contain the title(s) and name(s) of the proposed trainers and the proposed materials for the training described in Section II.A. above for OCR's review and approval.
4. Within fifteen (15) calendar days of completing all of the training(s) required by the approved 2021-2022 PD Plan described in Section II.A. above, the District will provide to OCR documentation showing that the training occurred including attendance lists, the training date, the subject matters covered, the length of the course, a copy of any materials used or distributed during the training, and a list of all teaching and administrative staff at the School with an accounting of which trainings they completed.

### III. Monitoring

The District understands that by signing the Resolution Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Matt Doyle, Ed.D., Superintendent  
Vista Unified School District

Date: 07/22/2020