

Resolution Agreement
Urban Corps Charter School
OCR Complaint No. 09-17-1543

The Urban Corps Charter School (School), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and their implementing regulations in the above-referenced OCR case number.

Special Education

I. Policies and Procedures

- A. To ensure compliance with evaluation and placement requirements under Section 504 and Title II, the School will draft new policies and procedures for OCR review and approval regarding the evaluation of students for special education, convening of Individualized Education Program (IEP) and Section 504 meetings, and the development and implementation of IEP and Section 504 Plans.
- B. By March 11, 2022, the School will submit a draft of the new policies and procedures for OCR review and approval in each of the following areas: 1) identification of students who need or are believed to need special education and/or related services; 2) evaluation for special education and/or related services; 3) development and implementation of accommodations and services; 4) convening of IEP and Section 504 meetings; and 5) exiting/opting out of special education and Section 504.
- C. By March 11, 2022, the School will submit a draft of the list of placement options and services available to students with disabilities for OCR review and approval.
- D. Upon OCR review and approval, the School will post notice of the revised policies and procedures described in Sections I.A. and I.B., and placement options and services described in Section I.C. on its public-facing website within five (5) school days.

II. Written Guidance and Training

- A. The School will issue a written guidance memorandum and facilitate training for all School employees on the School's responsibilities pursuant to the IDEA, Section 504 and their implementing regulations, the School's revised policies and procedures described in Sections I.A. and I.B., and placement options and services described in Section I.C.
- B. By March 11, 2022, the School will submit the title/name/qualifications of the proposed trainers, and by March 18, 2022, the School will submit a draft of the guidance memorandum, training materials, and as described in Section II.A. for OCR review and approval.
- C. The School will finalize and issue the guidance memorandum and provide the training required in Section II.A. within fifteen (15) days of OCR's approval. Within ten (10) days of providing the training required in Section II.A., the School will provide OCR

with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the School employees who attend the training, a list of the required employees who did not attend, and a plan for providing a follow-up for those employees who did not attend, as needed.

III. Systemic Student Remedies:

- A. Current students who need or who are believed to need special education and related services:** By March 18, 2022, the School will create for OCR review and approval a plan for evaluating and determining the eligibility of all students enrolled at the School who need or who are believed to need special education and related services under the IDEA or Section 504 for OCR review and approval.
1. Upon OCR review and approval of the plan described in Section III.A., the School will begin to implement the plan within five (5) days.
 - a. By April 1, 2022, the School will conduct a file review, including any related documents of all students from the 2019-2020 school year through the present to identify students who need(ed) or who the School believe(d) needed special education and related services.
 - b. By June 1, 2022, the School will assess each student identified in Section III.A.1.a. using an IDEA or Section 504 compliant assessment.
 - c. By June 1, 2022, after providing proper written notice to each student identified in III.A.1.a., or the student's parent/guardian if the student is under 18, the School will convene an IEP or Section 504 meeting of a group of knowledgeable persons, including the student and/or parent/guardian (Team), to determine whether the student qualifies for an IEP or Section 504 Plan.
 - d. At the IEP or Section 504 meeting, the Team will determine whether the student needs compensatory and/or remedial services as a result of the School's failure to provide appropriate regular and/or special education or related services. If so, within one week of its determination, the Team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond six months from the date of the IEP or Section 504 meeting. The School will provide the student and/or their parent/guardian notice of the procedural safeguards, including the right to challenge the Team's determination through an impartial due process hearing.
 - i. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the School will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the School's decision and plan for providing the proposed services, review the documentation to ensure that the School met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. § 35.160, in making these determinations.

- ii. By the last day of the 2022-2023 school year, the School will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

B. Current students with IEP and Section 504 Plans: By April 1, 2022, the School will create for OCR review and approval a plan for reviewing all IEP and Section 504 Plans for all students enrolled in the School to determine whether the placement, accommodations, and services are appropriate educational services designed to meet the student's individual needs.

1. Upon OCR review and approval of the plan described in Section III.B., the School will implement the plan within five (5) school days.
 - a. By June 1, 2022, after providing proper written notice to each student identified in Section III.B., the School will convene an IEP or Section 504 meeting of a group of knowledgeable persons, including the student and/or parent/guardian (Team) to review each student's IEP and Section 504 Plan to determine whether the placement, accommodations, and services meeting the student's individual needs, and comply with the School's procedures described in Section I.
 - b. If the IEP or Section 504 Team determines that any portions of a student's IEP or Section 504 Plan do not meet the student's individual needs and/or do not comply with the School's procedures described in Section I, the Team will modify the IEP or Section 504 Plan accordingly.

C. Current students who signed IEP Exit Forms: By April 1, 2022, the School will conduct a file review of each student who signed an IEP Exit Form during the 2019-2020, 2020-2021, and 2021-2022 school years and who are currently enrolled at the School, to determine whether the student was evaluated using an IDEA or Section 504 compliant assessment prior to exiting special education or a Section 504 Plan.

1. By June 1, 2022, the School will evaluate each student identified in Section III.C. using an IDEA or Section 504 compliant assessment.
2. By June 1, 2022, after providing proper written notice to each student identified in III.C., or the student's parent/guardian if the student is under 18, the School will convene a Section 504 or IEP meeting of a group of knowledgeable persons (Team), including the student and/or parent/guardian, to determine whether the student continues to qualify for an IEP or Section 504 Plan.
 - a. At the IEP or Section 504 meeting, the Team will determine whether the student needs compensatory and/or remedial services as a result of the School's failure to provide appropriate regular and/or special education or related services. If so, within one week of its determination, the Team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 1, 2023. The School will provide the student and/or their parent/guardian notice of the procedural safeguards including the right to challenge the Team's determination through an impartial due process hearing.
 - i. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the School will submit to OCR documents supporting the Team's decision. The

documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the School's decision and plan for providing the proposed services, review the documentation to ensure that the School met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. § 35.160, in making these determinations.

- ii. By the last day of the 2022-2023 school year, the School will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
- b. If at the IEP or Section 504 meeting, a student requests to exit special education, the School will implement the revised policy for the process for exiting/opting out of special education and Section 504 developed as part of Section I(A) to ensure informed consent.

D. Reporting Requirements:

1. Within fifteen (15) calendar days of the end each semester between the date this Agreement is signed until the end of the 2023-2024 school year, the School will provide OCR with documentation, including student data, regarding the implementation of Sections III.A., III.B., and III.C., including whether they were successful and how, and any modifications to the interventions in response to identified areas of need.
2. The School will designate a knowledgeable person(s) to review and discuss the documentation with OCR after each semester. The School understands that following OCR's review of the submitted documentation, OCR may request additional information regarding the specific students identified in Sections III.A, III.B, and III.C. above to ensure that the School is providing a FAPE to special education students. Additional information requested under this section will be within the scope of this Agreement and will not be used to expand or continue investigation of this matter.

Program for English Learner (EL) Students

- IV. Consultant.** The School will retain or designate a consultant with expertise on the issue of English learner program development and implementation for all EL students, including long-term ELs, adult ELs, newcomers, and those with previous interrupted schooling. The consultant shall work with School administration in all areas related to the School's EL program including, but not limited to: teaching strategies for both ELD and content-area teachers; development of the Master Plan discussed in Section V below; monitoring of EL and RFEP students; appropriate interventions for EL students who are not making sufficient progress; and evaluating and monitoring the EL program. The consultant may be an independent contractor for the School and/or an employee of the School. The School, after retaining its consultant(s), shall promptly provide the consultant with all appropriate information the consultant believes is necessary to engage in this process. Additionally, the School is aware that technical assistance and consultant services are available from the

Region IV Equity Assistance Center, a U.S. Department of Education sponsored center that serves California, at <https://temp.msudenver.edu/weeac/> or by telephone at (303)556-6175.

A. Reporting Requirements

1. Within 30 calendar days of signing the Agreement, the School will submit for OCR's review and approval the name and qualifications of the consultant.
2. Within 15 days of receiving OCR's written approval, the School will provide OCR with documentation that it has retained the consultant to provide the services described in Section IV above.

V. **Master Plan for English Learner Students.** Under guidance from the consultant retained under Section IV above, the School will develop/revise and distribute policies and procedures (Master Plan) for providing services to EL students at the School. The Master Plan will include the following:

A. A description of how enrolling students will be identified as ELs, and how initial placement is to be determined and by whom. The description will include the following:

1. The English proficiency assessments to be used;
2. How it will be determined when an enrolling student may need to be assessed in a language other than English to determine native language fluency and/or literacy, and how such assessments will be administered and by whom.
3. A description of how interpreter and/or translation services will be provided to students or their parents/guardians, when necessary or appropriate, who require such services in order to access important information regarding School programs and services.
4. A description of how the School will address the specific needs related to initial assessment and ongoing placement for EL students with disabilities.
5. A description of English language development (ELD) instruction to be provided to EL students, including:
 - a. A description of all settings in which EL students will receive ELD instruction that is designed and reasonably calculated to enable them to attain fluent English proficiency within a reasonable amount of time, based on the combined factors of their level of English proficiency and time in U.S. schools; the criteria for placing students in each such setting; and the EL supports students will be provided in each such setting;
 - b. Interventions that are non-special education related and offered in-school during the school day for EL; and
 - c. Interventions for Long Term ELs (LTELs), potential LTELs, and Adult English Learners (AELs).

B. **Reclassification criteria.** A description of the reclassification criteria that objectively establishes that EL students have demonstrated English language proficiency comparable to that of their grade level peers who are native speakers of English and can participate equally in the regular instructional program at grade level.

C. A description of the process by which the School will meet monitoring requirements for students who have been Reclassified Fluent English Proficient (RFEP).

D. A description of the methods by which the School will monitor the progress of EL students both in learning English and in accessing the core curriculum, as described in

Section VII.A below, and the interventions that will be provided to EL students who are not making expected progress.

- E. A schedule of professional development that will be provided to all teachers at the School, as described in Section VI, below.
- F. Reporting Requirements
 1. By March 18, 2022, the School will provide OCR with a draft Master Plan that includes Sections V.A-E, above, for OCR's review and approval.
 2. Within thirty (30) calendar days of OCR's approval of the draft Master Plan, the School will formally adopt the Master Plan.
 3. Within fifteen (15) calendar days of formally adopting the Master Plan, the School will provide to OCR documentation confirming that it has adopted the policies and procedures, posted them on the School's website, published them in any written materials, such as student and staff handbooks, and sent an email to all staff and students with a link to Master Plan.

VI. Professional Development/Training

- A. In consultation with the Consultant described in Section IV, above, the School will develop a professional development plan (PD Plan), as listed in Section V, above, for the three school years following execution of this Agreement, which describes training that will be provided to all teaching and administrative staff, including counselors and special education staff at the School concerning the EL program. The PD Plan will include, but not be limited to:
 1. EL-specific interventions at the School, which occur in school and during the school day;
 2. The School's Master Plan, including, but not limited to:
 - a. The EL Intervention Catch-Up Plan, as described further in Section VII.B below;
 - b. Expectations for monitoring the progress of EL 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 EL 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 AELs, LTELs, and potential LTELs;
 - c. Reclassification criteria;
 - d. Reclassified Fluent English Proficient (RFEP) monitoring requirements.
 - e. Evaluating the EL Plan
- B. Reporting Requirements
 1. By April 29, 2022, the School will provide to OCR a draft of the continued PD Plan for spring 2022, and the 2022-2023 and 2023-2024 school years, which will contain the title(s) and name(s) of the proposed trainers 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 PD Plan described in Section II.A. above, the School 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, and a list of all teaching and administrative staff at the School with an accounting of which trainings they completed.

VII. Evaluation/Internal Monitoring of the English Learner Program

- A. The School will complete an evaluation of the effectiveness of its EL Program. The evaluation report will review student assessment data, etc. The School will use the results of its data analysis to develop a comprehensive plan for improving its EL program, including program modifications and PD regarding any program modifications.
- B. EL Catch-Up Plan: Based on a review of student assessment data, including, but not limited to English Language proficiency scores, English Language Arts scores on local or state assessments, curriculum-embedded assessments, and student grades/report cards, the School will identify all ELs, LTELs, and AELs who have not made adequate progress in English proficiency over the previous two years. After the creation of such list, the School will create an EL Intervention Catch-Up Plan for each student identified, which includes, but is not limited to, interventions for the student which occur in school and during the school day for spring 2022 and this Catch-Up Plan will be updated and will continue as needed into the 2022-2023 as the student transitions into the next grade level at the School.
- C. The School will identify all RFEP students at the School as of January 31, 2022, including the date of each student's reclassification to fluent English proficient. After the creation of such list, the School will:
 1. For all RFEP students within two years of their official reclassification date, review the RFEP student's assessment data, including, but not limited to English Language Arts scores on local or state assessments, curriculum-embedded assessments, and student grades/report card; and
 2. For RFEP students whose academic achievement data indicates regression or insufficient progress, including, but not limited to, any grades/scores below "basic," and not meeting standards on any English Language Arts local or state assessments, the School will identify interventions for such RFEP students which occur in school and during the school day.
- D. The School will create updated class rosters, with EL students, including LTELs and potential LTELs identified, and RFEP students, to share with teachers at the School and discuss this information with them, including on how and when to group students based on their English proficiency levels, and strategies for supporting students based on their individual language needs.
- E. Reporting Requirements
 1. Within thirty (30) calendar days of the School's formal adoption of the OCR-approved the Master Plan, described in Section V.A-D. above, the School will provide OCR the EL Catch-Up Plan described in Section VI. A-2(b) and Section VII.B above.
 2. Within thirty (30) calendar days of the School's formal adoption of the OCR-approved EL Master Plan, described in Section V. above, the School will provide

- OCR the interventions for each RFEP student described in Section VII.C.1. and VII.C.2. above.
3. Within forty-five (45) calendar days of signing this Agreement, the School will provide OCR with documentation that it distributed the updated class rosters described in Section VII.D above to the teachers at the School.
 4. Within fifteen (15) calendar days of the end each semester between the date this Agreement is signed until the end of the 2023-2024 school year, the School will provide OCR with documentation, including student data, regarding the effectiveness of the interventions for the students identified in Sections VII.B and VII.C above, including whether the interventions were successful and how, and any modifications to the interventions in response to areas of need identified.
 5. The School will designate a knowledgeable person(s) to review and discuss the documentation with OCR after each semester. The School understands that following OCR's review of the submitted documentation, OCR may request additional information regarding the specific students identified in Sections VII.B and VII.C above to ensure that the School is providing all EL and RFEP students an opportunity to make adequate progress by complying with this Agreement. Additional information requested under this section will be within the scope of this Agreement and will not be used to expand or continue investigation of this matter.

VIII. Monitoring

The School 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 School understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms and obligations of the resolution agreement. Upon the School's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

_____/s/_____

Urban Corps Charter School

_____02/09/2022_____

Date