

Resolution Agreement

Oakland Unified School District OCR Complaint No. 09-18-1601

The Oakland Unified School District (District), 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 the Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Title VI) and its implementing regulations, in the above-referenced OCR case number.

I. Individual Remedy

- A. By June 6, 2019, after providing written notice to the Student and his parent/guardian, the District will convene a group of knowledgeable persons, including the Student and his parent/guardian and other persons who are knowledgeable about the student and his needs as an English learner (EL) student and a student with disabilities, and about the placement options and services available through the District. The group will include members of the Student's IEP or Section 504 team.
- B. The group will determine whether the Student needs supplementary and/or remedial services in order to address his needs as an EL student with disabilities as a result of any lack of appropriate EL services from September 2014 to June 2018.
- C. If the group determines that supplementary and/or remedial services are necessary, within one week of its determination, the group will develop a plan for providing the Student with educational services with a completion date not to extend beyond the Student's 22nd birthday. In developing the plan, the group will consider the Student's academic and English language skills, his attendance, and any specific needs with respect to class size. The plan may be developed in conjunction with the Student's Section 504 plan or, if applicable, his individualized educational program (IEP).

In the event the group does not agree on the necessary supplementary or remedial services, the District will determine what services shall be provided to the Student.

The plan will include individual tutoring services to address the academic deficits that the Student incurred as a result of any lack of appropriate EL services.

- D. The District will provide personnel and resources to fully implement the plan. The Team will identify at least one District administrator who will be responsible for ensuring that the plan is fully implemented. The Student and his parent/guardian will be given contact information for that individual. While the District shall make a good-faith effort to fulfill its obligations and provide the Student with supplementary and/or remedial services if necessary, the District will not be penalized or deemed non-compliant with this resolution should the Student fail to

attend or participate in services provided or made available to him pursuant to the process and consideration set forth in Section I.C., above.

- E. The District and the Student may agree to additional services and/or alternative settings for services through the Section 504 or IEP process. The District will notify OCR of any such alteration within 15 days of the completion of the relevant Section 504 or IEP process.

Reporting Requirements:

- F. Within two weeks of the decision as to whether supplementary and/or remedial services are needed, the District 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 services to the Student.
- G. By December 1, 2019, and June 30, 2020, the District will provide documentation to OCR of the Student's placement during the preceding six months, and of the dates, times and locations that supplementary and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

II. **Schoolwide Action.** The District will create and implement a plan for providing services to English learner (EL) students at XXXXXXXX High School (the School) who are not enrolled in the newcomer program (NEST). The plan will include the following:

- A. A description of English language development (ELD) instruction to be provided to students who are not enrolled in NEST, including:
 - 1. 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 US schools; the criteria for placing students in each such setting; and the EL supports students will be provided in each such setting;
 - 2. the number of sections of content-based ELD courses (i.e., courses that provide ELD and grade level instruction in English language arts or history) that will be offered during the 2019-20 school year, and the criteria for placing students in these specialized courses;
 - 3. the circumstances, if any, under which students who have been in District schools for more than three years may take ELD classes in the NEST program;

- 4. the professional development that will be provided to all teachers assigned to teach in the settings described in Section II.A.1.

- B. A description of the methods by which the School will monitor the progress of students who are not enrolled in NEST in learning English and accessing the core curriculum, and the interventions that will be provided to students who are not making expected progress; and

- C. A schedule of training on content-based and integrated ELD that will be provided to teachers at the School who are not in the NEST program.

Reporting Requirement

- D. By June 21, 2019, the District will provide a copy of the plan referenced in Section II(A)-(C), above, to OCR for review and approval.

- E. By October 1, 2019, and February 1, 2020, the District will provide OCR with a School master schedule, and a list of all currently enrolled EL students and the setting in which they are receiving ELD instruction.

- F. By December 1, 2019, and June 1, 2020, the District will provide OCR with a schedule of all training related to EL students provided to teachers at the School, a list of all teachers, and a list of the teachers who attended such training.

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 resolution 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.

OAKLAND UNIFIED SCHOOL DISTRICT

_____/s/_____
Aimee Eng, President, Board of Education June 26, 2019

_____/s/_____
June 26, 2019

Kyla Johnson Trammell, Secretary, Board of Education