

**Resolution Agreement**  
North Monterey County Unified School District  
Case No. 09-19-1368

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 North Monterey County 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 revise specific sections of its Master Plan for English Learner Programs and Services, 2018-2022 (Master Plan), to include:
1. Interventions that are non-special education related and offered in-school during the school day for English Learners (EL);
  2. Interventions for Long Term ELs (LTELs)<sup>1</sup> and potential LTELs<sup>2</sup> in upper elementary grades; and,
  3. Details regarding the components of the EL Intervention Catch-Up Plan, including, but not limited to, a template of the EL Intervention Catch-Up Plan in the Appendix.
- B. Reporting Requirements
1. By May 1, 2020, the District will provide OCR with a draft Master Plan which includes Sections I.A.1., I.A.2. and I.A.3. above, for OCR's 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.

**II. Professional Development**

- A. The District will continue its EL professional development plan (PD Plan) developed and implemented during the 2019-2020 school year, which describes training that will be provided to all teaching and administrative staff at the School concerning the EL program. The PD Plan will continue into the 2020-2021 school year and 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 District's Master Plan, including, but not limited to:
    - a. The EL Intervention Catch-Up Plan;
    - 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,

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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.

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 LTELs and potential LTELs;

- c. Reclassification criteria;
- d. Reclassified Fluent English Proficient (RFEP) monitoring requirements.

**B. Reporting Requirements**

1. By May 31, 2020, the District will provide to OCR a draft of the continued PD Plan for 2020-2021 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 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, and a list of all teaching and administrative staff at the School with an accounting of which trainings they completed.

**III. LTEL, Potential LTEL, RFEP Assessment**

- A. The District will identify all LTELs and potential LTELs at the School for 2019-2020. After the creation of such list, the District/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 2019-2020 and this Catch-Up Plan be updated and will continue as needed into the 2020-2021 school year as the student transitions into the next grade level at the School.
- B. The District will identify all RFEPs at the School as of April 30, 2020, including the date of each student's reclassification to fluent English proficient. After the creation of such list, the District/School will:
  1. For all 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 assessment, and student grades/report card; and,
  2. For RFEP student's 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 District will identify interventions for such RFEP students which occur in school and during the school day.
- C. The District/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.

#### D. Reporting Requirements

1. Within thirty (30) calendar days of signing this Agreement, the District will provide OCR with list of LTELs and potential LTELs at the School described in Section III.A. above.
2. Within thirty (30) calendar days of the District's formal adoption of the OCR-approved the Master Plan, described in Section I.B.2. above, the District will provide OCR the EL Intervention Catch-Up Plans described in Section III.A. above.
3. By April 30, 2020, the District will provide OCR with list of RFEPs at the School described in Section III.B. above.
4. Within thirty (30) calendar days of the District's formal adoption of the OCR-approved Master Plan, described in Section I.B.2. above, the District will provide OCR the interventions for each RFEP student described in Sections III.B.1. and III.B.2. above.
5. Within forty-five (45) calendar days of signing this Agreement, the District will provide OCR with documentation that it distributed the updated class rosters described in Section III.C. above to the teachers at the School.
6. Within fifteen (15) calendar days of the end each trimester two and trimester three between the date this Agreement is signed until the end of the 2020-2021 school year, District will provide OCR with documentation regarding the effectiveness of the interventions for the students identified in Sections III.A. and III.B.2., including whether the interventions were successful and how, and any modifications to the interventions in response to areas of need identified. The District will designate a knowledgeable person(s) to review and discuss the documentation with OCR after trimester two and three. The District understands that following OCR's review of the submitted documentation, OCR may request additional information regarding the specific students identified in Section III.A and III.B above to ensure that the District is providing EL and RFEP students 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 Case No. 09-19-1368.

#### IV. 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/\_\_\_\_\_  
Kari Yeater, Superintendent  
North Monterey County Unified School District

Date: 03/12/2020