

Resolution Agreement
Los Banos Unified School District
Case No. 09-22-1549

In order to resolve the compliance concerns by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Los Banos School District pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, the District agrees to take the actions in this Resolution Agreement (Agreement).

I. Master Plan Revisions

A. The District will revise its English Learner Master Plan (Master Plan), to include the following elements:

1. Standards and criteria for placement and program model options for designated and integrated English language development (ELD) at the elementary level;
2. Expectations regarding adequate yearly progress of English learner students at the elementary level.
3. Expectations for teacher and school site monitoring of the progress of English learner students in learning English, 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 making expected progress toward reclassification as fluent English proficient, including long term English Learners (LTELs) and students at risk for becoming LTELs;¹
4. A description of intervention programs for Long Term ELs (LTELs) and potential LTELs² in upper elementary school, offered during the school day and after school;
5. A description of ELD and ELD support classes for LTEL students in middle and high schools;
6. Procedures that District and site administrative staff will utilize to monitor and ensure full implementation of the ELD program at each school, as described in the Master Plan, including expected standards that will describe adequate implementation, and examples of monitoring instruments, including but not limited to classroom observation checklists, teacher reporting instruments, and provision of coaching and support opportunities; and
7. Standards and data collection that the District will use to evaluate the effectiveness of the educational program for English learners.

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

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

B. Reporting Requirements

1. By July 31, 2023 the District will provide OCR with a revised Master Plan, which includes Section A. for review and approval.
2. Within thirty (30) calendar days of OCR's approval of the revised 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. By September 29, 2023 and within 60 calendar days of the end of every semester until OCR closes its monitoring of this Agreement, the District will provide OCR with an electronic, sortable file that includes the following items during the preceding semester. For each elementary school, the list will include separate fields for:
 - i. A narrative description of the program models selected by each site/grade level to ensure that English learners receive daily designated ELD targeted to their level of proficiency;
 - ii. Listing of all English learner students, including
 1. Date of entry into District;
 2. 3 years of ELPAC scores, including most recent;
 3. 2022 and 2023 CAASPP results and
 4. Recent local assessment scores measuring student progress in meeting California language arts standards; and
 5. Special education designation, if applicable.
 - iii. Listing of all reclassified students, along with the date of reclassification, and 2022-2023CAASPP results and local assessment scores; and
 - iv. A narrative description of how each elementary school monitors English learner and RFEP student progress; and
 - v. A narrative description of available intervention programs for LTEL and at-risk for LTEL students not making adequate progress as defined by the District.
4. 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.

C. Professional Development

- A. The District will develop and implement a professional development plan (PD Plan) for the 2023-24 school year, which describes training that will be provided to all

teaching and administrative staff at the elementary level concerning the English learner program. The PD Plan must include, but is not be limited to:

1. ELD program models and best practices to deliver daily designated ELD instruction targeted to the proficiency level of English learner students; and
2. Expectations for monitoring the progress of English learner students. Monitoring will address the needs of English learner students who are not making expected progress toward reclassification as fluent English proficient, including LTELs and potential LTELs.

B. Reporting Requirements

1. By July 31, 2023, the District will provide OCR with the PD Plan described in Section II, above.
2. By July 31, 2024, the District will provide OCR with a schedule of all EL training that was provided to teachers, counselors, and administrators at each of its elementary schools.

D. Monitoring

By signing this agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution agreement, 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 of the resolution agreement.

The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulation at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below:

By: _____/s/_____
Dr. Mark E. Marshall, Superintendent
Los Banos Unified School District

Date: 05/04/2023