

**Resolution Agreement
Louisa County Public Schools
OCR Complaint No. 11-14-1261**

Louisa County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1261. This Agreement does not constitute an admission by the Division of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act (Title II) or any other law enforced by OCR.

Alternative Language Program/ELL Services

1. The Division will conduct a comprehensive self-assessment of its process for identifying students who are English Language Learners (ELL) to determine if it is identifying all ELL students who need ELL services. The self-assessment will solicit input from teachers, administrators, parents/guardians, students, and an educational consultant approved by OCR. The Division intends to utilize the services of the Calderon Center and/or Mid-Atlantic Equity Center, and Judy Radford, the Virginia Department of Education's Coordinator of Title III, for these purposes. The self-assessment will include a review of the Division's practices for ensuring (a) the home language survey is completed by parents/guardians of all pre-K to 12th grade students; and (b) the assessments of English language proficiency are conducted for all appropriate students based on the results of the home language survey.

Reporting Requirements:

- a. By December 15, 2014, the Division will provide its plan for conducting the self-assessment to OCR for review and approval.
 - b. Within sixty (60) calendar days of OCR's approval of the self-assessment plan, the Division will provide OCR with documentation that it has completed the self-assessment, including any plans to make any changes to its current process for identifying ELL students for OCR's review and approval.
 - c. If applicable, within thirty (30) calendar days of OCR's final approval of any changes to the Division's process for identifying ELL students, the Division will provide OCR with documentation that it implemented these changes.
2. The Division will develop a plan for evaluating the effectiveness of its alternative language program of services to ELL students, consulting with an educational consultant approved by OCR as necessary. The evaluation will be conducted by someone who is knowledgeable about/has expertise in second language acquisition and evaluation of alternative language programs. Some factors to include in the evaluation and to be reflected in the plan are:
 - The program model used, along with supporting research;
 - Whether ELL students are satisfying the Division's goals and objectives for participation in the alternative language program and achievement;

- Whether ELL students are gaining in English language proficiency in the four skill areas of speaking, reading, listening, and writing;
- An assessment of ELL and former-ELL students' academic progress, including that of students who were either being monitored or who were discharged from the ELL program during the 2013-2014 school year, (including grade retention rates, graduation rates, attendance, and performance on State content tests) as compared with their non-ELL peers;
- Whether ELL students are receiving adequate academic supports in core content area courses;
- How ELL students with disabilities are evaluated to ensure that they are measured for the extent that they need special education rather than English language skills; and
- Whether there is sufficient and qualified staffing to service ELL students.

Reporting Requirements:

- a. By January 5, 2015, the Division will provide its program evaluation plan to OCR for review and approval.
 - b. Within ninety (90) calendar days of OCR's approval of the final program evaluation plan, the Division will proceed with the evaluation and will provide OCR with a final report of the evaluation results and an explanation of any proposed actions the Division intends to take or took with respect to the evaluation results.
 - c. By July 30, 2015, the Division will provide OCR documentation of all students receiving ELL services (including monitoring) during the 2014-15 school year, including information on each student's English language proficiency level and gains, ELL services provided, academic progress, and participation in state-required tests.
3. The Division will develop a written process by which Division staff may obtain in a timely manner appropriate, qualified translators and interpreters, to participate in the evaluation of ELL students who need or are believed to need special education and related services. An interpreter or translator will be considered "qualified" if his/her interpreter/translator skills are supported by an objective measure of proficiency in the language domain s/he is interpreting/translating (e.g., reading, writing, speaking) or through professional interpreter/translator certification. The Division also will ensure that its interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

Reporting Requirements:

- a. By January 5, 2015, the Division will submit to OCR, for review and approval, a copy of the written process it has developed pursuant to the requirements above.
- b. Within fifteen (15) days after OCR's approval, the Division will submit to OCR documentation that it has notified the appropriate staff of this process.

4. The Division will provide training to Division staff who work directly with students and Division staff involved with identifying and/or evaluating students with disabilities and ELL students as follows:
 - How to administer home language surveys during student registration or upon teacher or parent referral, when and how to obtain qualified language assistance for communicating with language minority individuals, any changes to its ELL identification process, and applicable record-keeping procedures;
 - How to timely and appropriately evaluate ELL students with disabilities, along with information on providing ELL students with disabilities with both ELL services and special education and related services; and
 - The Division's ELL program, methodologies, resources, and materials.

Reporting Requirements:

- a. By January 5, 2015, the Division will provide for OCR's review and approval copies of its training program and the name and qualifications of the trainer(s).
- b. Within fifteen (15) calendar days after the training for all Division staff (as defined above) is completed, the Division will provide OCR with documentation of ELL identification and communication training provided to school-level staff, including copies of training materials and attendees' names and titles.

Individual Students' Needs

5. By November 24, 2014, the Division will assess Student A's English Language Proficiency to determine if Student A is an ELL student and, if so, at what level. If Student A is identified as an ELL student, the Division will immediately begin providing appropriate ELL instruction based on Student A's proficiency level in the four language domains (i.e., speaking, reading, writing, and listening).

Reporting Requirement:

By November 30, 2014, the Division will notify the Complainant in writing of the outcome of Student A's ELL assessment. By November 30, 2014, the Division will provide OCR with information regarding any ELL services currently being provided to Student A. If no services are currently being provided to Student A, the Division will provide a detailed explanation to OCR and provide any supporting documentation for OCR's review and approval.

6. By January 5, 2015, the Division will review the class schedules and lists of services provided to all ELL students, including Students A (if applicable), B, C, and D, to determine if each is receiving the appropriate amount of ELL services. Students who are not receiving the appropriate amount of ELL services will be immediately provided with those services and their schedules modified accordingly.

Reporting Requirements:

By January 5, 2015, the Division will submit to OCR copies of the course schedules and lists of services for all ELL students, along with any other information relied upon in making adjustments to the students' course schedules, i.e., providing students with additional ELL services. If the Division determines that no additional ELL services are required, please provide any and all documents to support this determination. If the Division determines that no ELL services are appropriate for a particular ELL student, the Division will provide documentation justifying the determination (e.g., parental waiver of services, notes from an IEP/Section 504 team meeting discussing the appropriateness of dual services for an ELL student with a disability).

7. By January 5, 2015, the Division will conduct individualized assessments of all ELL students to determine whether they achieved adequate academic progress (as demonstrated by objective assessment measures) during the 2013-14 school year, with the understanding that for students who do not have two years of existing data, the minimum amount required for an accurate determination of academic progress, the Division will document their status and evaluate them once it has acquired the requisite data. For any student who did not achieve adequate academic progress, the Division will provide compensatory educational services in the areas where the student failed to achieve adequate academic progress.

Reporting Requirements:

- a. By January 5, 2015, the Division will provide OCR a list of ELL students for the 2013-14 school year and the determinations regarding whether each requires compensatory education services and, if so, the nature of the services. The Division will provide OCR a copy of the information relied on in reaching each determination, including the measures used to determine academic progress, and will include the names and qualifications of the persons involved in the determinations.
 - b. If compensatory education services are required for any of these ELL students, the Division will provide such services during the 2014-15 school year and the 2015 summer school program, after school, or during the school day, depending on the needs of individual students/families. The Division will provide to OCR by August 6, 2015, supporting documentation of implementation of these services.
8. By January 5, 2015, the Division will review the files of all ELL students, including Students A, B, and C, evaluated for special education eligibility since the beginning of the 2013-14 school year to determine: if eligibility determinations were timely and properly made with proper consideration of the students' language abilities and with consideration of whether the results of disability evaluations were valid in light of the students' language development and proficiency; and if students have

received all the special education services and/or related aids and services to which they are entitled.

If applicable, by February 15, 2015, for any student whose evaluation was not timely or was otherwise improper or who did not receive all the special education and/or related aids and services to which he was entitled, the Division will, after providing proper written notice to the parents/guardians of these students, convene a group of persons knowledgeable about each student, including the parents, with the purpose of: (a) conducting any additional evaluations that the team determines are necessary; and (b) developing a plan for providing compensatory and/or remedial services to the student for the time period the student did not receive appropriate regular and/or special education or related services. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 15, 2015. The Division will provide the parents/guardians notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing. All communication with the parents/guardians of these ELL students will be in their preferred language as indicated on the students' home language surveys.

Reporting Requirements:

- a. By January 5, 2015, the Division will provide OCR with the outcome of each determination, as described above, including the measures used to determine academic progress, and will include the names and qualifications of the persons involved in the determinations for OCR's review and approval.
- b. Within one week of each meeting for any student whose evaluation was not timely or was otherwise improper or who did not receive all the special education and/or related aids and services to which he was entitled, the Division will submit to OCR a copy of meeting minutes or similar documentation from the meetings referenced above, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to each of the students and the notice of due process. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- c. By August 7, 2015, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided to each student, a description of what was provided, and the name(s) of the service provider(s).

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Division understands that during the monitoring of this Agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether

the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, Section 504, and Title II, which were at issue in this case.

The Division understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, Section 504, and Title II, which were at issue in this case.

_____/s/_____
Superintendent
Louisa County Public Schools

Date 11/17/2014