

**RESOLUTION AGREEMENT**  
**Cincinnati Public Schools**  
**OCR Docket No. 15-12-1011**

Cincinnati Public Schools (the District) submits the following Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR) to resolve OCR Docket #15-12-1011 and to ensure the District's compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. In order to resolve the complaint, the District agrees to take the following actions:

**ACTION STEPS – Individual Remedies**

- I. Should the Student xxxx xxxxxxxx, **within 15 calendar days of his xxxxxxxx** the District will:
  - A. [xxx paragraph xxx]
  - B. review and revise the Student's IEP as necessary to ensure it meets the requirements of the Section 504 regulation at 34 C.F.R. Part 104, Subpart D, including the requirement that the District provide the Student with a free appropriate public education (FAPE); and
  - C. consider whether the Student requires compensatory education or other remedial services as a result of any failure by the District to appropriately implement the Student's LEP plan.

The Student's parent(s) will be invited to participate in the IEP team meeting, and in the event that the Student's parent(s) is unable to attend the meeting, the District will provide the Student's parent(s) with a meaningful opportunity to provide input into the decisions regarding whether compensatory education and other remedial services are necessary and whether revisions to the Student's IEP are needed. If the IEP team determines that compensatory/remedial services are necessary, it will develop a written plan that lists each service that will be provided, the date(s) each service will be provided, and the title and qualifications of the individual who will provide each service. The Student's parent(s) will be provided with written notice of any determinations made, a copy of any plan to provide services, and notice of the procedural safeguards available under 34 C.F.R. § 104.36 with respect to the IEP determinations, including the right to challenge the determination through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENTS:** Should the Student xxxxx xxx xxxx xxx, **within 30 calendar days of his xxxxxxxxxxxx**, the District will provide OCR with documentation including a copy of any meeting minutes; the names and titles of those who attended IEP team meeting; documentation regarding whether the Student was found

to require compensatory education or other remedial services; a copy of the written plan to provide those services, if applicable; a copy of any revised IEP; and documentation or information demonstrating that the Student's parent(s) was provided with a meaningful opportunity to provide input into the decisions and notice of the decisions and of procedural safeguards. Should the IEP team determine that compensatory education or other remedial services are not necessary the District will provide a written explanation of the reasons for this determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making the IEP determinations.

If compensatory education is deemed appropriate, **within 90 calendar days of the Student's reenrollment**, the District will provide OCR with documentation verifying that compensatory education services and/or other remedial actions were or are being provided to the Student, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, and the name(s) and title(s) of the service provider(s). Should the services be rejected by the Student, the District will provide OCR with documentation of such rejection from the Student's parent(s).

### **ACTION STEPS – District-wide Remedies – English Learner (EL) Program**

- **PROGRAM MODEL SELECTION AND IMPLEMENTATION**

III. By **September 1, 2016**, the District will:

- A. Identify the education program model(s) that it employs for the education of its EL students at each District school. The program model(s) will be recognized by at least some experts in the education of EL students as sound or as a legitimate educational strategy for the education of EL students. The program model(s) will, when implemented, ensure that EL students: A) are provided a meaningful opportunity to learn English language skills in a timely manner, and B) obtain effective access to the District's curriculum.
- B. Revise its Building Level Service Delivery Guide for English Language Learners (the Delivery Guide) to specify the program model(s) being implemented at each school building and for each language background, grade level, and English-language proficiency level, and provide clear definitions and summaries of each program model being used.
- C. Revise the Delivery Guide to identify the minimum service levels for each program model, for eligible EL students of varying degrees of English language proficiency; the criteria for assignment to such service models and levels of service; and the rationale for the appropriateness of the service models and levels.

- D. Identify, and specify in the Delivery Guide, the materials and resources, such as specialized books and equipment, necessary to properly carry out each of its chosen alternative language service model(s). Such materials will be appropriate to the curriculum, and comparable in quality, availability, publishing dates, and grade level to materials provided for non-EL students. The Delivery Guide will include a summary of the instructional material needs, by school building based on program model, and will describe how the District will review the resources needed for its alternative language program on an ongoing basis.
- E. Revise the Delivery Guide to clarify, by position, the staff who will be authorized to make exiting determinations for students in the District's EL program; and to describe the manner in which exiting decisions will be documented in the student's file and retained for the duration of the student's enrollment in the District.
- F. Add to the Delivery Guide procedures for monitoring the academic progress of students who exit the EL program. Minimally, the monitoring will include a review of student progress based on grades, standardized tests, and other appropriate factors, including, e.g. teacher input, twice yearly for at least two years. The Delivery Guide will identify, by position, the staff responsible for monitoring student progress. Monitoring information will be documented and maintained in the student's file for the duration of the student's enrollment in the District. If monitoring establishes that a student needs additional alternative program services or additional remedial services, such services will be offered to the student.

**REPORTING REQUIREMENTS:** By **September 1, 2016**, the District will submit to OCR its revised Delivery Guide pursuant to Action Step III. By **September 1, 2017, and September 1, 2018**, the District will submit to OCR documentation verifying its continued implementation of its EL programs throughout the District, including documentation of: the program model(s) being used at each school and the language proficiency levels and EL levels of service being provided to each student; the materials and resources provided at each school for its EL program; any students who have been exited from EL program services over the year prior to the report; and the monitoring of exited students, including documentation of any resumed EL services determined to be necessary for any students.

- **STAFFING PLAN**

- IV. By **September 1, 2016**, the District will develop a staffing plan to fully and effectively implement its chosen program model(s) at each school by the beginning of the 2016-2017 school year. Through the staffing plan:
  - A. The District will identify the number of alternative program staff, by position, language background, and school building who are necessary to implement the District's program model(s). The District shall retain the discretion and flexibility to alter the assignments of staff to meet the needs of students and respond to changes in the EL population. Additionally, the District will describe the minimum

qualifications of the necessary alternative program instructional and support staff and delineate the roles of instructional and support staff in implementing the alternative language program.

- B. The District will ensure that teachers and staff responsible for implementing its program meet all state certification and endorsement requirements that pertain to the program model(s) selected. Additionally, the staffing plan will provide for and address the following:
1. For school buildings at which the District uses a method other than bilingual education (such as ESL or structured immersion), the District will ensure that teachers who use those methods have been adequately trained with respect to the method as well as meet all Ohio Department of Education certification and endorsement requirements. This training may take the form of in-service training, formal college coursework, or a combination of training and coursework that the District continues to offer. The District shall continue to conduct observations of teachers in the alternate language program, and identify who is conducting the observation, the observer's qualifications, what is being observed, and the observer's familiarity with the program model being observed.
  2. For school buildings implementing a bilingual education program for EL students, teachers of bilingual classes will, at a minimum, be able to speak, read, and write both languages, and should have received adequate instruction in the methods of bilingual education. In addition, bilingual teachers should be fully qualified to teach their subject.
  3. For school buildings at which the District's chosen educational theory requires native language support, if the program relies on bilingual aides to provide such support, the District will be able to demonstrate that it has determined that its aides have the appropriate level of skill in speaking, reading, and writing both languages.
  4. Program aides and paraprofessionals will work under the direct supervision of certificated classroom teachers.
  5. The District will continue to offer training of regular education classroom teachers through in-services, college coursework, or other appropriate means so that they may effectively and adequately provide educational services to the EL students assigned to their classrooms. If the classroom teachers do not possess specialized training in the education of EL students, the services that they provide will be closely coordinated with the alternative language program service providers.
  6. The District will continue to ensure appropriate levels of staffing to provide linguistically appropriate special education and related aids and services to EL students with disabilities.

7. The plan shall include a description of the District's plans for training current staff and recruiting and hiring additional qualified instructional and support staff if needed to implement its alternative program model at each school building by the beginning of the 2016-2017 school year.

**REPORTING REQUIREMENTS:** By **September 1, 2016**, the District will submit to OCR its staffing plan developed pursuant to Action Step IV. By **September 1, 2016**, the District will submit to OCR a list of alternative program staff assigned to serve each building their qualifications, alternative program assignment, and a list of EL students whom they serve (including types and amount of service for each student); and documentation demonstrating District efforts to hire qualified alternative program staff if sufficient staff are not available. **By September 1, 2017, and September 1, 2018**, the District will submit a report summarizing its observations of program staff at each school.

- **PROGRAM EVALUATION**

- V. By **September 1, 2016**, the District will modify the Delivery Guide to include procedures, including timetables, for regularly evaluating the effectiveness of its alternative language program for EL students. The procedures will enable the District to determine the following: whether the program model selected for each school is being implemented as intended; whether students are obtaining intended services and benefits of the program; and whether EL students are progressing through the program as expected. The procedures for the District's evaluation of its program must include:
  - A. The processes or methods the District uses to determine whether its EL program, as outlined in the revised Delivery Guide, is being implemented at the building level consistent with the District's program design.
  - B. The specific standards the District uses for determining whether its EL program is effectively addressing the English language acquisition needs of its EL students and providing appropriate services that will enable the students to become proficient in reading, writing, speaking, and comprehending the English language, across all school buildings and through each selected program model. The District intends to use the Ohio English Language Proficiency Assessment (OELPA) based on the Ohio English Language Proficiency Standards.
  - C. The standards the District uses for determining whether the District's EL program is providing EL students a meaningful opportunity to benefit from its overall educational program, as well as whether EL students who have transitioned or exited from the program have the English language skills necessary to participate meaningfully in the District's educational programs, activities, and special programs (e.g., advanced placement, honors) and extracurricular activities. The District's analysis of EL students' and exited students' opportunity to benefit from the overall educational program will include building specific programs offered by the District.
  - D. The method the District used to determine whether EL teachers and staff are qualified

in the methodologies of the EL programs being administered at each building and whether staffing is adequate.

- E. A description of the type of information that is maintained by the District to regularly evaluate the effectiveness of the program for EL students including, but not limited to, standardized test scores, grades, and attendance, retention, and dropout rates.
- F. A description of the type of information maintained and analyzed regarding peer integration, ensuring the District’s comprehensive plan does not separate EL students from their non-EL peers, except to the extent such separation is necessary to the stated goals of the EL program.
- G. The procedures and standards the District will use for determining whether it is implementing the procedural requirements of the Delivery Guide.

**REPORTING REQUIREMENTS:** By **September 1, 2016**, the District will submit to OCR the revised Delivery Guide pursuant to Action Step V. By **September 1, 2017, and September 1, 2018**, the District will submit documentation demonstrating the results of its evaluation of the implementation of the EL program across the District broken down by program model being used, as outlined in the revised Delivery Guide, during the 2016-2017 and 2017-2018 school years, including documentation of any District-level and/or school-specific changes the District takes as a result of the evaluations.

The District’s September 1, 2017, report to OCR will include documentation showing the total number of EL students enrolled, by grade level and proficiency level; the total number of EL students who receive alternative language program services; and the EL program services provided to each student, including information about the students’ grade and proficiency levels and the program model employed. For each EL student not included in the EL program, the District will provide documentation showing the student’s grade level, proficiency level, reason for not receiving services, and a statement of the language support services being provided to the student and description of the student’s academic progress and whether the student was able to participate meaningfully in the regular instructional program.

### **General Requirements**

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this 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 this Agreement and is in compliance with the Title VI implementing regulation at 34 C.F.R. § 100.3 and the Section 504 implementing regulations at 34 C.F.R. §§ 104.33 and 104.35, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with

the Title VI implementing regulation at 34 C.F.R. § 100.3 and the Section 504 implementing regulations at 34 C.F.R. §§ 104.33 and 104.35.

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

/s

6/22/16

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Superintendent or Designee

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Date