Resolution Agreement
De Queen School District (DQSD)
OCR Case No. 06105001

To ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35, the De Queen School District (DQSD or District) voluntarily agrees to take the following actions in an effort to resolve identified issues in the above-referenced compliance review:

A. Identification of Students Whose Primary Home Language is Other Than English

Action Items

1. The DQSD will take steps to ensure that every student with a primary home language other than English (PHLOTE) will be identified by the District. By **November 30, 2012**, the DQSD will develop and implement a policy or procedure for identifying all PHLOTE students in the District, including students from low incidence language groups. As part of its policy or procedure, the District will continue to distribute its Home Language Survey (HLS) in Spanish and English, and it will also have it available in as many other languages known to be spoken in the community, as are practical. As an alternative to using printed HLS forms for low incidence language groups, the DQSD may provide interpreters to assist national origin minority LEP parents and guardians (hereafter in agreement, "LEP parents" refers to national origin minority LEP parents and guardians) in filling out the HLS.

Reporting Requirements

1. By **November 30, 2012**, the DQSD will submit to OCR a copy of its HLS in English and Spanish for the 2012-2013 school year; and by **September 1, 2013**, the DQSD will submit to OCR a copy of its HLS in English and Spanish for the 2013-2014 school year.

2. By **November 30, 2012**, the DQSD will submit to OCR a policy or procedure for identifying PHLOTE for low incidence language groups and providing interpreters to assist LEP parents in filling out the HLS information.

3. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2012-2013 school year; and by **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2013-2014 school year.

B. Design and Implementation of the Alternative Language Program

Action Items

1. By **January 31, 2013**, the DQSD will ensure that it has in place a comprehensive alternative language program that comports with the requirements of Title VI and its implementing regulation. The DQSD shall ensure that its alternative language program provides for the provision of English language services and instruction to all English Language Learner (ELL) students in all educational settings, including special education. This plan will include how the District will serve ELL students by proficiency level and grade.

2. By **January 31, 2013**, the DQSD will ensure that all ELL students obtain English Language services and instruction, including appropriate placement of all ELL students into the alternative language program. Specifically:

    a. If the DQSD deviates from its established alternative language program in providing English language services, the District will document why the ELL student is not provided alternative language services in accordance with its plan.

    b. The DQSD will establish one or more placement committees (i.e., language proficiency assessment committee) based on need. The members of the language proficiency assessment committee will, at a minimum include an ESL teacher, a counselor, and a campus administrator (e.g., principal, assistant principal). The DQSD will convene a placement committee meeting for each ELL student to review the ELL student' pertinent information and make placement determinations regarding the student's participation in the District's alternative language program, including the type and amount of language development services to be provided to each student.

    c. The DQSD will develop a system to maintain records for all ELL students which will include, by ELL student, name, school, grade level, assessment results, proficiency level, and the provision of appropriate language services, including the type, amount, and time of services to be provided.

3. By **January 31, 2013**, the DQSD will develop and implement a policy or procedure to ensure that all ELL students receive alternative language services until the students meet the District's criteria to exit the alternative language program.

4. By **January 31, 2013**, the DQSD will provide notification of the placement for each ELL student and the benefits derived from participation in the alternative language program to each ELL student's parent/guardian in a language LEP parents can understand. However, a student may be removed from the alternative language program upon receipt of a written request from the parent/guardian. As an alternative to sending written notification for low incidence language groups, the DQSD may use interpreters to provide this information to LEP parents.

5. By **January 31, 2013**, the DQSD will provide language services to students whose parents have declined or opted out of the alternative language program, by monitoring students' academic progress and providing other language support services for such students. Specifically:

    a. The DQSD will develop a policy or procedure to monitor the academic progress of students whose parents opted them out of the alternative language program to ensure they are able to participate meaningfully in the regular instructional program.

    b. The DQSD will contact the parent/guardian of each of the students who are not being served by the alternative language program because of parent denials or for other reasons, to inform the parent of the student's opportunity to participate in the alternative language program. The DQSD will provide the parent/guardian with information about the results of the assessment of the student and the benefits of the program. The DQSD will conduct a meeting with the parent/guardian, in a language he/she can understand, to explain the goals and objectives of the alternative language program.

Reporting Requirements

1. By **January 31, 2013**, the DQSD will provide to OCR a copy of its alternative language program which will include how it will meet the needs of ELL students, at all grade levels and proficiency levels, as set out in action items 1 and 2.

    a. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action items 1 and 2 during the 2012-2013 school year.

    b. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action items 1 and 2 during the 2013-2014 school year.

2. By **January 31, 2013**, the DQSD will provide to OCR a copy of its policy or procedure developed in accordance with action item 3.

    a. By **January 31, 2013**, the DQSD will provide to OCR a written summary of the system it developed to maintain a record for each ELL student in accordance with action item 3.

    b. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 3 during the 2012-2013 school year.

c. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 3 during the 2013-2014 school year.

3. By **March 30, 2013**, the DQSD will provide to OCR documentation demonstrating that the District convened an assessment committee for each ELL student to review ELL students' pertinent information and make placement determinations regarding the student's participation in the district's alternative language program for the 2012-2013 school year.

4. By **October 31, 2013**, the DQSD will provide to OCR documentation demonstrating that the District convened an assessment committee for each ELL student to review ELL students' pertinent information and make placement determinations regarding the student's participation in the district's alternative language program for the 2013-2014 school year.

5. By **June 30, 2013**, (for the 2012-2013 school year) and by **June 30, 2014**, (for the 2013-2014 school year), the DQSD will submit to OCR the updated roster of all ELL students and the following information:

   a. The total number of ELL students enrolled in each school, by grade level and proficiency level;

   b. The total number of ELL students in each school who receive alternative language program services;

   c. For each ELL student provided alternative language program services, the student's grade level, proficiency level, and services provided (including duration of services, e.g., 45 minutes/5 times a week);

   d. For each ELL student not included in the alternative language program, 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 they are able to participate meaningfully in the regular instructional program. For each student who is not being served because the parent opted out, the DQSD will provide to OCR a copy of the information provided to the parent/guardian of students who are not being served and documentation of when the District held a meeting with that parent and who was present during the meeting.

   e. For each ELL student who is provided alternative language services in a manner that deviates from the District's chosen alternative language

program, the student's grade level, proficiency level, services provided, and reason for deviating from the chosen alternative language program.

6. By **March 30, 2013**, the DQSD will provide to OCR a copy of the notification of the placement that was sent to each ELL student's parent/guardian in accordance with action item 4 for the 2012-2013 school year.

7. By **October 31, 2013**, the DQSD will provide to OCR a copy of the notification of the placement that was sent to each ELL student's parent/guardian in accordance with action item 4 for the 2013-2014 school year.

8. By **January 31, 2013**, the DQSD will provide to OCR a copy of its policy or procedure developed in accordance with action item 5.

    a. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 5 during the 2012-2013 school year.

    b. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 5 during the 2013-2014 school year.

C. Staff Development

Action Items

1. By **June 30, 2013**, the DSQD must ensure that there are a sufficient number of certified, trained English as a Second Language (ESL) teachers to implement its selected alternative language program. Additionally, the DQSD will ensure that its ESL teachers are removed to the minimum extent necessary from classroom instruction time to conduct other activities, such as administering assessments. Instead, the DSQD will to the extent possible build in time to ESL teacher schedules for such activities (e.g., a period a day for assessments and conferences).

2. By **November 30, 2012**, to the extent the DSQD does not have the necessary certified, trained ESL teachers for the 2012-13 school year, the DSQD shall identify and describe the interim steps it will take to provide staffing for the alternative language program, including:

    a. The continuing efforts the DQSD is making to recruit certified, trained staff members to implement the alternative language program; and

    b. The steps the DQSD will take to ensure the availability and placement of certified, trained staff members to implement the alternative language program.

This may include using current teaching staff who are ELS certified to teach in the alternative language program.

3. By **January 31, 2013**, the DQSD will develop and implement a procedure to ensure that ESL teachers' classroom performance will be evaluated by a person knowledgeable in ESL learning methodologies. This will be done to ensure that ESL teachers are providing services that are consistent with the DQSD's alternative language curriculum and academic objectives.

4. By **January 31, 2013**, the DQSD will provide training on its alternative language program methodologies to all individuals identified to evaluate the ESL teachers' classroom performance in the above-referenced procedure.

5. By the **start of the 2013-14 school year**, the DQSD will ensure that all of its staff providing its alternative language program to ELL students are appropriately certified and trained.

Reporting Requirements

1. By **June 30, 2013**, the DQSD will provide OCR with documentation describing how it will staff its alternative language program. This shall include the names and qualifications of teachers at each school (including their certification and training as ESL teachers) as well as their projected daily schedules and number of ELL students for each ESL classroom period identified. Additionally, if the DQSD does not have an appropriate number of certified and trained ESL teachers to adequately staff its alternative language program for the 2012-13 school year, the DSQD will explain the interim steps it will take to provide adequate staffing for its alternative language program. By **June 30, 2013**, the DQSD will provide documentation regarding the interim steps taken during the 2012-13 school year.

2. By **November 30, 2012**, the DQSD will submit to OCR a copy of the procedure it developed to ensure that ESL teachers' classroom performance will be evaluated by a person knowledgeable in ESL methodologies.
    a. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 3 during the 2012-2013 school year.
    b. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 3 during the 2013-2014 school year.

3. By **January 31, 2013**, the DQSD will provide training on alternative language program methodologies to all individuals identified to evaluate the ESL teachers' classroom performance and submit to OCR copies of schedules, a brief description of the training, the name and credentials of the individual responsible

for providing the training and the names and titles of those in attendance.

4. By **October 31, 2013**, the DQSD will provide documentation to demonstrate all of its staff implementing its alternative language program are appropriately trained and certified, including the names and qualifications of teachers at each school (including their certification and training as ESL teachers) as well as their projected daily schedules and number of ELL students for each ESL classroom period identified.

D. Instructional Materials

Action Items

1. By **January 31, 2013**, the DQSD will provide instructional materials to effectively implement its selected alternative language service model for the instruction of ELL students. Such materials will be appropriate to the curriculum, and comparable in quality, availability, and grade level to materials provided for the instruction of non-ELL students.

Reporting Requirement

1. By **January 31, 2013** (for the 2012-2013 school year), and by **October 31, 2013** (for the 2013-2014 school year), the DQSD will submit to OCR a written description of the instructional materials it has in place as well as ordered, by school and grade level, to be used in the alternative language program and regular classrooms. The DQSD will also inform OCR of the quantity of materials it has and/or has ordered and its planned distribution to the schools. Further, the description will include a written explanation as to how the materials are appropriate to the curriculum and comparable in quality, availability, and grade level to materials provided for the instruction of non-ELL students.

E. Reclassification and Exit

Action Items

1. By **January 31, 2013**, the DQSD will identify and describe the criteria that it will use to determine when an ELL student has obtained sufficient proficiency in English to exit the alternative language program. At a minimum, these criteria will provide for the following:

    a. The determination of English language proficiency is based on objective standards by using language proficiency test scores, in which the DQSD can demonstrate that students meeting those standards will be able to participate meaningfully in the regular classroom; and

b. The ELL students exiting alternative language services exhibit English reading, writing, speaking, and comprehension skills that would indicate they can participate meaningfully in the DQSD's regular education program.

2. By **January 31, 2013**, the DQSD will ensure that exited ELL students are participating meaningfully in the DQSD's program. Specifically, the DQSD will develop policies and procedures to periodically review the academic progress of students exited from the alternative language program throughout the academic school year. The policies and procedures shall include, but not be limited to:

   a. Formally reviewing the academic progress of each student who exited the alternative language program, including examining grades, academic achievement scores, interim progress reports, and test scores throughout the school year;

   b. Distributing a memorandum to instructional staff and campus administrators regarding the monitoring requirements; and

   c. Providing additional support services to exited ELL students who demonstrate a need for additional support, which may include tutoring or reentry into the alternative language program.

3. By **June 30, 2013**, the DQSD will identify whether any students who have exited the alternative language program during the 2010-2011 and 2011-2012 school years have suffered any academic deficiencies and take appropriate steps to remediate such academic deficiencies (e.g. tutoring). In circumstances where a student is not succeeding academically because of premature exiting or lack of appropriate English language development, the DSQD will consider reentry into the alternative language program as a remedy.

Reporting Requirements

1. By **January 31, 2013**, the DQSD will submit to OCR the exiting criteria being implemented by the DQSD as outlined in action item 1.

2. By **January 31, 2013**, the DQSD will provide a copy of the exit criteria implemented by the DQSD to the parents of all current and exited ELL students in a language the parents can understand. As an alternative to providing this copy for low incidence language groups, the DQSD may provide interpreters to assist national origin minority LEP parents.

3. By **January 31, 2013**, the DQSD will submit to OCR its policies and procedures to monitor the progress of students who exited the alternative language program.

4. By **January 31, 2013**, the DQSD will provide a copy of the memorandum distributed to instructional staff and campus administrators regarding the monitoring requirements.

5. By **June 30, 2013**, the DQSD will provide to OCR the following:

    a. A list of students who have exited the alternative language program during the 2010-2011 and 2011-2012 school years (and in each subsequent year data on the students exited in the prior two years) and demonstration that the students were able to achieve in the regular educational environment without alternative language program services, including grades and academic achievement data.

    b. Supporting documentation (i.e., copies of student rosters indicating exit criteria and test scores) for all students reviewed; and

    c. List of all students who exited the alternative language program during the 2010-2011 and 2011-2012 school years (and in each subsequent year data on the students exited in the prior two years) and suffered academic deficits; of these students, identification of students who obtained additional academic supports (e.g. tutoring) or reentered the alternative language program as a result of the evaluation. For those who remain as exited ELL students, provide documentation of the reasons for the placement determination (i.e., a roster with student scores or evidence of success in the regular academic program).

6. By **June 30, 2013**, the DQSD will provide to OCR the following for the 2012-2013 school year and by **June 30, 2014**, the DQSD will provide to OCR the following for the 2013-2014 school year:

    a. A list of students who have exited the alternative language program during the school year (and in each subsequent year data on the students exited in the prior two years) and demonstration that the students were able to achieve in the regular educational environment without alternative language program services, including grades and academic achievement data.

    b. Supporting documentation (i.e., copies of student rosters indicating exit criteria and test scores) for all students reviewed; and

    c. List of all students who exited the alternative language program during the school year (and in each subsequent year data on the students exited in the prior two years) and suffered academic deficits; of these students, identification of students who obtained additional academic supports (e.g. tutoring) or reentered the alternative language program as a result of the evaluation. For those who remain as exited ELL students, provide documentation of the reasons for the placement determination (i.e., a roster with student scores or evidence of success in the regular academic program).

F: Program Evaluation and Modification

Action Items

1. By **January 31, 2013**, the DQSD will develop a procedure to measure the effectiveness of its alternative language program. The procedure will include an evaluation of its chosen alternative language program with cohort longitudinal data comparing ELL versus non-ELL students, and ELL students in the program versus ELL students not in the program. Factors to be compared will be, at a minimum, student performance, proficiency levels, attendance, retention, and graduation rates.

2. By **October 31, 2013**, the DQSD will evaluate its alternative language program pursuant to its procedure to measure the effectiveness of its alternative language program.

Reporting Requirements

1. By **January 31, 2013**, the DQSD will submit to OCR a copy of its procedure to measure the effectiveness of its alternative language program.

2. By **October 31, 2013**, (for the 2012-2013 school year) and by **October 31, 2014** (for the 2013-2014 school year) the DQSD will submit to OCR a copy of its evaluation and any modifications made to its alternative language program as a result of the evaluation.

G. Special Education

Action Items

1. By **January 31, 2013**, the DQSD will ensure that ELL students with or suspected of having disabilities are appropriately placed and provided with special education or related aids and services and alternative language services. Students who are both ELLs and have disabilities will receive both special education or related aids and services and alternative language services. The DQSD will adapt its disability pre-referral, referral, evaluation, and placement policies, procedures, and practices to ensure that ELL students are not misidentified and placed as students with disabilities and that they are not denied appropriate special education services, related aids and services, including appropriate evaluations because they are ELLs. Specifically, the DQSD will:

    a. Review and revise its procedures to ensure that the requirement in the above action item is incorporated into the District's special education procedures;

    b. Review and revise its procedures to ensure that the requirement in the above action item is incorporated into the District's alternative language program.

2. By **January 31, 2013**, the DQSD will review all of its ELL students currently identified as students with disabilities under the Individual with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504) to determine whether each student's identification, placement, and services are appropriate, ensure that students who require both ELL services and special education receive both, and determine what, if any, compensatory services are deemed necessary for each student.

Reporting Requirements

1. By **January 31, 2013**, the DQSD will submit to OCR a copy of its revised special education procedures and alternative language program procedures as outlined in action item 1.
    a. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2012-2013 school year.
    b. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2013-2014 school year.

2. By **June 30, 2013**, the DQSD will provide OCR with a list of all of its ELL students currently identified as students with disabilities under IDEA or Section 504 and describe the alternative language services and special education services provided to each student and what, if any, compensatory services are deemed necessary for each student.

H. Parental Communication

Action Items

1. By **January 31, 2013**, he DQSD shall revise and implement its policies and procedures to ensure that the national origin minority LEP parents are notified, in a language understood by the parents, of school activities and other information and matters that are called to the attention of other parents. Specifically, the DQSD will revise its procedures to ensure that:

    a. The procedures will specify how DQSD will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups.

    b. The DSQD has a process to identify and track LEP parents who require communication in a language other than English, including ensuring that teachers, administrators, and central office personnel are notified of these LEP parents.

    c. The DQSD has a process by which District staff may obtain, in a timely manner, language assistance services, including qualified translators or interpreters as

needed (this could include through the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs); the process will also notify appropriate staff of the applicable recording keeping procedures and reporting requirements; the DQSD's means for providing these services must be well-publicized and accessible to staff.

d. The DQSD has a process for notifying LEP parents, in a language that the parents can understand of the availability of free language assistance services (as described in b. above) with respect to school programs and activities and information as to how this assistance may be obtained. The notice will, at a minimum, be published on the District's website, in the student and parent handbooks, and in any District-wide or school-based newsletters. The notification will also provide parents with a contact person who can answer any questions regarding parental communication and assist parents to access interpreter services or translated documents.

e. The DQSD has a process by which the District ensures that all of its interpreters and translators are competent to provide interpretation and translation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. The District will maintain documentation to support that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language.

f. When the DQSD generates and sends commonly used documents to parents of students enrolled in the district, the district/schools will send the documents to identified LEP parents in a language they can understand. Where translation is impractical due to the low incidence of the language, the DQSD will advise parents of who to contact in the District if they need assistance in understanding notices and will provide oral interpretation as necessary for the parents.

Reporting Requirements

1. By **January 31, 2013**, the DQSD will submit to OCR a copy of its revised policies and procedures concerning parental communication.
   a. By **June 30, 2013**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2012-2013 school year. Documentation shall include but is not limited to copies of notices sent to LEP parents of the availability of free language services, list of individuals who requested such services and description of when and what services were provided, and the name and credentials of all interpreters and translators.
   b. By **June 30, 2014**, the DQSD will submit to OCR documentation of its implementation of the policy or procedure in action item 1 during the 2013-2014

school year. Documentation shall include but is not limited to copies of notices sent to LEP parents of the availability of free language services, list of individuals who requested such services and description of when and what services were provided, and the name and credentials of all interpreters and translators.

2. By **June 30, 2013**, the DQSD will provide training to District administrators and other staff members involved in the provision of interpreter and translation services on the revised procedures and submit to OCR copies of schedules, a brief description of the training, the name and credentials of the individual responsible for providing the training, and the names and titles of those in attendance.

3. By **June 30, 2013**, the DQSD will provide notice to LEP parents of the changes to the procedures and submit to OCR a copy of the notice provided to LEP parents.

I. Additional Action Items

Action Items

1. By **June 30, 2013**, the DQSD will convene one or more parent forums, in a language the parents can understand, to provide DQSD parents with information regarding the alternative language program, including identification and assessment of students, alternative language services, exit criteria, and monitoring. Prior to convening the parent forum(s), the DQSD will provide OCR with the date, time, and location of the event(s).

Reporting Requirements

1. By **June 30, 2013**, the DQSD will provide OCR with documentation regarding the parent forum(s) including, advertisement of the forum, information provided at the forum (i.e. presentations, handouts, etc), and the number of individuals in attendance.

The DQSD understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. §100.3(a) and (b), Section 504, at 34 C.F.R. §§ 104.33-104.36, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The DQSD 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 DQSD understands that during the monitoring of this agreement, if necessary, OCR may visit the DQSD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the DQSD has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. §100.3(a) and (b), Section 504, at 34 C.F.R. §§ 104.33-104.36, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

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

Superintendent's Signature

9-6-12
Date