NEW LONDON PUBLIC SCHOOLS (DISTRICT)
RESOLUTION AGREEMENT
OFFICE FOR CIVIL RIGHTS (OCR)
COMPLIANCE REVIEW NO. 01-10-5002

In order to address the compliance concerns identified in Compliance Review No. 01-10-5002 and to ensure compliance with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the District agrees to the following terms:

1. Identification and Evaluation of ELL Students

i. In order to address the potential for overlooking students who may in fact be Limited English Proficient (LEP), but who are not assessed to determine their level of English Language Development (ELD) because their parents did not answer two or more questions on the home language survey (HLS) with a language other than English, the District agrees to assess all students who answer **one** or more questions on the HLS with an answer other than English.

ii. In order to ensure that the District has identified all students who are LEP, the District agrees to administer the pre-literacy component of the pre-LAS to all students who score a 4 or 5 on the pre-LAS, and to consider their pre-literacy scores in determining whether those students are proficient in English, or whether they are LEP. Documentation of the results of the pre-literacy component of the pre-LAS shall be maintained with the oral pre-LAS scores in each student's ELL and cumulative folders.

iii. The District will maintain a list of all of the HLS results for all students currently enrolled in the District, as well as evidence showing English proficiency testing in the four domains (speaking, listening, reading and writing) for those students identified in 1 (i) above, who answered one or more questions on the HLS with an answer other than English.

2. English Language Services Program Design, Implementation and Evaluation

i. The District will ensure that there is continuity of services for ELL students who are entering the Bennie Dover Middle School (BDMS) and the New London High School (NLHS) by ensuring that each student who is coming from an elementary or middle school has a program in place to address his or her English language needs. The program, which may be a continuation of the two-way bilingual program at the Jennings School, Transitional Bilingual Education, English as a second language (ESL), Sheltered Immersion (SI), or another recognized methodology of instruction, will address the diverse linguistic needs of the students, and will be based on sound and recognized pedagogical principles.

ii. The District will develop English Language Services guidelines to ensure that all of its ELL students are afforded appropriate amounts of instruction in ESL and bilingual or SI core content area instruction (or other chosen program of instruction) to meet each student's language needs based on their individual levels of ELD. The guidelines will include specific amounts of recommended ESL instructional time for each level of ELD, and will provide, at a minimum, amounts of services that are no less than the amounts of services referenced in the District report from the Center for Applied Linguistics. The guidelines will ensure that no newcomers or beginner ELL's (students who are at level 1 of ELD) who are receiving only ESL instruction as their means of acquiring English, receive less than 2 hours per day of ESL instruction.

iii. The District will maintain a list of all LEP students, their levels of ELD, the number of hours of ESL instruction to which each student is entitled, the method by which each student will receive instruction in core content areas, based on his or her level of ELD, the number of qualified ESL and SI teachers needed to implement the instructional services for these students, and a list of the teachers providing instruction to LEP students, their qualifications, and the classes each will be teaching.

iv. The District will develop specific criteria for retaining students at the elementary level which ensure that ELL students are not being retained because of their levels of ELD. The District will also ensure that the criteria for retention are being applied equitably and consistently at all schools and for all students. The criteria should include, among other things, grades, test scores, each student's initial and current levels of language development in both the native language and in English, the amount of time the student has been in the United States and in the District's school system, consideration of each student's social and emotional development, as well as each student's cognitive development. Any assessments used will be done in the student's dominant language, and where there is a question concerning dominant language, the assessments will be done in both languages.

v. The District will document all decisions to retain students and ensure that all documentation is consistent with the criteria established in number iv above. This documentation will be maintained in both the student's ELL and cumulative folders.

vi. The District will review the files of all ELL students at the elementary level who have been retained for the upcoming school year to ensure that the decisions to retain these students are based on the criteria developed in number iv above, and that none of these students is being retained because of an ELD issue.

vii. The District will monitor and evaluate its program of instruction for ELLs by analyzing, annually, grades, benchmark assessments, retention rates, dropout and graduation rates, and other measures of program effectiveness, relative to non-ELLs.

3. Staffing

i. The District will make every attempt to ensure that all of its staff, including newly hired staff, who teach English to LEP students have received the Connecticut state certificate or endorsement in bilingual education or TESOL. If staff do not have these certificates or endorsements, the District will ensure that those staff make regular progress toward obtaining such qualifications (through training), certification or endorsements, within specific timeframes to be determined in consultation with OCR.

ii. The District will ensure that all of its staff who teach SI classes, have received specific training in this methodology. The duration and content of the training will be determined in consultation with OCR.

iii. The District will maintain documentation of the credentials of all of its teachers who are teaching LEP students, and of the progress each uncertified teacher is making towards obtaining the certifications and/or endorsements.

iv. The District will document that teachers providing English or SI instruction are being evaluated in those instructional models by someone knowledgeable and experienced in the method being used.

v. The District will develop a protocol for using Tutors appropriately to assist and support ESL and SI instruction, under the direction and supervision of certified professionals.

4. Exit Criteria and Monitoring

i. The District will develop a monitoring plan, consistent with the requirements of its ELL Procedures Handbook, to monitor all exited ELL students for two years after exiting the ELL program, to ensure that they are successful in the general education program. The plan will ensure that exited students' grades and CMT/CAPT/DRA test scores are reviewed periodically, and that the results of those reviews are documented and considered in light of the students' former LEP status. The District will develop criteria, including cut-off grades and scores as well as other benchmarks to determine when a student should be provided additional English language and academic support or retested to determine if he or she needs to resume alternative language program services. The plan will designate the individuals responsible for monitoring, the timeframes for monitoring, and the District will develop monitoring forms to be completed for each student.

ii. Students at the BDMS and the NLHS who are not able to keep up with their peers academically for reasons related to English language proficiency (pursuant to the criteria outlined in i, above), will be afforded additional English language and academic support that is designed to address their educational needs. Those students who are determined to be LEP will, again, be offered ELL services through the District's alternative language program.

iii. The District will review and assess the academic records of each student at the BDMS and NLHS who has been exited from the ELL program in the past three (3) years, to determine their level of academic progress. For those students who are not able to keep up with their peers academically (pursuant to the criteria outlined in i, above), the District will offer additional English language and academic support, depending on the needs of the individual student. Those students who the District determines are still LEP, will be afforded compensatory English language instruction and support, and will be considered for re-admission into the District's alternative language program.

5. Access to Advanced Courses and Gifted and Talented (GAT) Programs

i. The District will develop a plan to enhance recruitment efforts and ensure equal access for ELL students to the New London Science and Technology Magnet High School (NLSTMHS). The plan will include translating brochures into Spanish, Haitian Creole, and other languages that are widely spoken in the community; informing families that appropriate support will be available for ELL students to ensure that they have access to the content offered at the NLSTMHS; identifying meetings, forums, and school- and community-based organizations through which to provide information about the programs available at NLSTMHS; and providing interpreters when needed to provide LEP family members access to this information.

ii. The District will provide appropriate support services, including ESL and/or additional SI classes taught by qualified teachers to ensure that ELL students have access to the full range of curricular offerings at NLHS.

iii. The District will revise its eligibility criteria for taking AP classes, to ensure that ELL students who have the aptitude and ability are able to take AP classes at NLHS. The criteria will include consideration of student aptitude based on assessments in the student's native language.

iv. The District will expand opportunities for AP classes in order to ensure that they will afford opportunities for ELL students to participate, such as the addition of an AP Spanish class, for example.

v. The District will revise the eligibility criteria for participation in the GAT program at the Nathan Hale School to ensure that students are selected

based on their aptitude and merits rather than on their level of English language development. The criteria will include consideration of assessments and aptitude in the student's native language.

vi. The District will track and periodically review access criteria, available supports, and ELL participation rates in the specialized programs listed above (NLSTMHS, AP, and Elementary-level GAT).

6. Parental Communication

i. The District will create a written plan for providing language assistance to LEP parents and guardians. The plan will include a list of the names and telephone numbers of readily available qualified professional interpreters and translators for all of the languages spoken by parents or students in the District, as well as additional resources and services that are available for those languages where an interpreter or translator is not readily available. This list will be amended periodically to include new qualified professional interpreters and translators whenever a student enters the District and indicates on the HLS that a home language is spoken for which there is not yet an interpreter/translator on the existing list. The list will be revised to ensure that it is current and that those listed are in fact available to translate and interpret.

ii. The District's plan will ensure that the HLS is administered through translation or through interpreters, in a language parents understand in order to ensure that the HLS is completed and that the information it contains is accurate.

iii. The District's plan will ensure that all important notices and documents are made available to parents in a language that they can understand. This may include actual translations of documents, interpreting the information, or making available oral translation into low-incidence languages upon request. At a minimum, all Individual Education Plans (IEPs), Section 504 Plans, report cards, parent handbooks, and documents concerning discipline, enrollment/registration, academic options and planning, screening procedures requesting a student's language background and parent's preferred language for communication, parent-teacher conferences, and public health and safety will be made available to parents in a language that they can understand.

iv. The District's plan will ensure that all school-related translations and interpretations are done by qualified translators/interpreters who are trained to be translators and interpreters, and who are fluent and literate in both English and the language into which the notice or document is being translated/interpreted. The translators/interpreters must be able to translate any specialized terminology used in the communication for which their services are employed.

v. The District's plan will ensure that all LEP parents are aware of their right to request that any information that is shared with English-speaking families be translated or interpreted in a timely manner into a language that they can understand.

vi. The District's plan will prohibit the use of family members, friends or children to help in providing language assistance to LEP parents, except in urgent, non-specialized situations. If an LEP parent requests that a friend, family member or child provide the translation, the District will provide its own trained interpreter to ensure accurate communications with parents.

vii. The District will document compliance with the language assistance plan by noting language assistance services on HLS forms, and by maintaining copies of translated versions of Individual Education Plans (IEPs), Section 504 Plans, report cards, and documents concerning discipline, in individual student files. The District will also maintain copies of translated versions of parent handbooks, enrollment/registration forms, academic planning information, and public health and safety.

viii. The District will develop a parent-District advisory group that will meet regularly for the purpose of sharing information about student needs and available services.

7. Pre-referral, referral, evaluation and placement of ELLs in Special Education

i. The District, in consultation with OCR, will review and revise its existing policies, procedures and practices in order to ensure that all ELL students who are suspected of having a disability are promptly and appropriately assessed to determine whether they in fact have a disability. The policies will specifically note that ELL students cannot be denied access to Special Education, and the procedures will include tracking and monitoring systems for the pre-referral, response to intervention, referral, assessment and placement processes for ELL students. This tracking will be monitored by both special education and ELL staff.

ii. The District will maintain a list of school staff members who are available to participate in special education team meetings and who are knowledgeable about (a) ELL needs and services, (b) the intersection of ELL services and special education, and (c) relevant considerations related to students' language and cultural background. The District will ensure that each team reviewing referral, assessment and placement information for any ELL student includes one of the listed individuals. If the individual is not already knowledgeable about the student, the individual will be provided a copy of the student's files for review prior to any such meetings.

iii. The District will develop a list of the names and telephone numbers of readily available qualified professional special education evaluators who are bilingual in English and Spanish or English and Haitian Creole, and additional resources and services for those languages where a bilingual evaluator is not readily available. This list will be revised periodically to ensure that it is current and that those listed are in fact available to conduct evaluations.

iv. The District will ensure that all current and prospective ELL students who are assessed to determine whether they have a disability are assessed using valid instruments that measure what they purport to measure rather than the student's English language ability. This may require language dominance testing to ensure that the assessments are conducted in the most appropriate language to determine whether the student in fact has a disability.

v. The District will maintain in the student's special education file documentation of all assessments that were used (including language dominance assessments) to determine whether the student has a disability.

vi. The District will review the records of those ELL students who have been determined to have a speech and language disorder or disability to make sure that they were assessed in their dominant language, and the District will ensure that all prospective assessments used to determine eligibility for special education are conducted in the student's dominant language.

8. Reporting

i. The District will provide OCR, for OCR's review and approval, copies of its proposed plans and criteria, or other description of proposed implementation steps, related to paragraphs 2(i),(ii), and (iv); 3(v); (4)(i); (5)(i)-(v); 6(i)-(vii); and 7(i) and (iii) by January 31, 2012.

ii. The District will provide OCR copies of the outcomes of its reviews pursuant to paragraphs 2(vi), 4(iii), and 7(vi) by April 30, 2012.

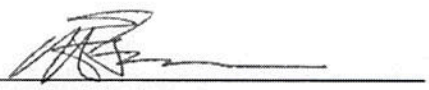
iii. The District will provide periodic written reports to OCR indicating its progress in implementing the provisions of this agreement. These reports will be due on May 31, 2012, and on December 15th and May 31th of each school year for the 2012-13 and 2013-14 school years, and will specifically include the reports or other documentation of compliance pursuant to paragraphs 1(iii); 2(iii), (v) and (vii); 3(iii) and (iv); 4(ii); 5(vi); 6(vii); and 7(v).

9. The District also understands that it has an affirmative and ongoing obligation to ensure that its students are not discriminated against on the basis of national origin or disability with respect to its educational programs and benefits. The District further agrees to take appropriate actions to overcome language barriers that impede equal and meaningful participation by ELLs in its programs. The District understands that, notwithstanding the provisions of this agreement or the steps

toward compliance agreed upon herein, the District remains ultimately responsible for achieving full compliance with the legal requirements of Title VI, Section 504 and Title II.

10. 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 regulation implementing Title VI, at 34 C.F.R. Part 100, §100.3; Section 504 at 34 C.F.R. §§ 104.33, 104.34, and 104.35; and Title II at 28 C.F.R. §35.130, which were at issue in this case.

11. The District 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 District understands that during the monitoring of this 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 of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. Part 100, §100.3; Section 504 at 34 C.F.R. §§ 104.33, 104.34, and 104.35; and Title II at 28 C.F.R. §35.130, which were at issue in this case.



Dr. Nicolas A. Fischer
Superintendent

12-19-2014
Date