RESOLUTION AGREEMENT

Plainfield Central School District
Case No. 02-10-1282

In order to resolve the compliance concerns identified in Case No. 02-10-1282, the Plainfield Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

Action Items:

(1) By May 1, 2011, the District will develop a draft plan (Plan)[1] for ensuring the provision of language acquisition services to each of its ELL students, according to the individual needs of each ELL student. The Plan will address the following at a minimum:

(a) The Plan will describe how the District will ensure the provision of language acquisition services to each of its ELL students, according to the individual needs of each ELL student. Each student's unique English proficiency levels, grade levels, and educational backgrounds will be considered in determining appropriate ELL program services. The Plan will ensure that all ELL students, regardless of their enrollment in any specific program, receive instruction that they can understand from appropriately trained teachers.

(b) The Plan will describe procedures to ensure that the District has appropriate staff to fully implement its selected language acquisition service model(s).[2] In the permanent phase, all ELL students will be taught in the program by certified teachers who have been fully trained and are qualified to deliver instruction to ELL students (e.g., certified teachers with an endorsement in bilingual/bicultural education, ESL methodologies, etc.). In developing this staffing plan, the District will determine:

(i) What qualifications staff will need in order to effectively implement each service model. At a minimum:

(A) The primary providers of language acquisition program instruction are to be certified teachers who are fully trained and qualified to deliver language acquisition instruction; and

(B) Any bilingual teachers, assistants, or tutors who provide native language support in a bilingual program are to have the appropriate level of skill in speaking, reading, and writing in English and the other language.

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[1] OCR anticipates that the District will need to submit successive drafts of its Plan, within timeframes specified by OCR, to ensure that the District's final Plan adequately meets all terms of this Agreement.

[2] OCR does not require or endorse the use of any particular program model to serve ELL students. Each recipient is free to select approaches, standards and procedures that are appropriate for its local needs based upon sound educational judgments and practices that will ensure equal educational opportunities for its ELL students.

(ii) How many certified and bilingual/bicultural education endorsed teachers, bilingual assistants or tutors, and other staff are necessary to fully implement the language acquisition model(s) at each school enrolling ELL students. All tutors and assistants in the language acquisition program are to be under the direct supervision of qualified teachers (i.e., teachers who are endorsed, or are seeking endorsement, in ESL or bilingual/bicultural education).

(iii) The extent to which staff needed to implement the language acquisition model(s) at each school are currently available, and how many additional staff members need to be trained, hired or assigned to the language acquisition program to fill those staffing needs.

(iv) The steps necessary to train, hire, or assign staff members to meet its staffing needs with fully qualified staff on a permanent basis. The District will ensure through validated, evaluative instruments that teacher training has actually prepared teachers to implement the District's language acquisition program in the classroom, and that administrators are trained in ensuring that teachers are prepared and effectively providing this instruction.

(v) The staffing patterns it will use in the interim, while additional certified teachers are being trained, hired or assigned to the language acquisition program. The District will take timely measures to adequately staff the language acquisition program.

Reporting Requirements for Action Item (1):

(A) By May 1, 2011, the District will submit a copy of the draft Plan described in Action Item 1 (a) – (b) above to OCR for review.[3] Each Plan item will specify the procedures for implementation, corresponding activities, dates for these activities, persons responsible, and supporting documentation.

(B) Within 60 days of OCR's approval of the draft Plan, the District will submit to OCR:

1. A complete, final copy of the Plan and provide documentation to demonstrate that all building principals have received a copy of the Plan.

2. A training agenda for administrators, faculty and staff regarding implementation of the Plan. Within 10 days of each training, the District will provide OCR with: (a) the name(s) of the individuals who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

3. A copy of a newsletter or other similar document, notifying parents and guardians that the District has developed a Plan to ensure that ELL students have equal and meaningful access to the District's educational services. The notice may also seek their support or assistance for the

[3] OCR will evaluate each element of the District's draft Plan(s) and may provide technical assistance as necessary to assist the District in developing a final Plan that complies with applicable regulations and this Agreement.

Plan's implementation. The notice will indicate the date when the District will implement the Plan. Notice will be provided in a written or oral language appropriate to the parents and community.

(2) By the beginning of the fall 2011 semester, the District will begin to implement the Plan. The District will implement the specific Plan provisions in accordance with the timeframes specified in the Plan.

Reporting Requirements for Action Item (2):

(A) By October 15, 2011, the District will provide the following to OCR:

1. A roster of all eligible ELL students enrolled in the District for school year 2011-2012, including students' names, home language, school, grade, and language evaluation scores.

2. A list of all teachers providing language acquisition services, including each teacher's name, school, certifications and endorsements. If any teacher providing services in the language acquisition program is not appropriately endorsed, please provide written assurances of the teacher's commitment to gain a bilingual/bicultural endorsement and the timeframe for its completion.

3. For each school, a list of every ESL and bilingual class provided, including when the class meets, the duration of the class and the name of the teacher.

(B) By August 31, 2012, the District will provide OCR with documentation demonstrating that the District provided the requisite language acquisition services to all eligible ELL students for school year 2011-2012.

(3) By February 15, 2011, the District will determine, for each ELL student: (i) the amount/quality of language acquisition services the student was entitled to receive during school year 2009-2010; and (ii) the amount/quality of language acquisition services, if any, the student failed to receive.

Reporting Requirement for Action Item (3):

By March 1, 2011, the District will provide OCR with a list, by name and student ID, indicating: (i) the amount of language acquisition services each student was entitled to receive during school year 2009-2010; and (ii) the amount of language acquisition services, if any, the student failed to receive.

(4) By March 31, 2011, the District will determine whether, for each ELL student who did not receive all services that he or she was entitled to receive during school year 2009-2010, that student requires compensatory services. In determining whether compensatory services are necessary and, if so, the appropriate number of hours of compensatory services to be provided, the District will evaluate the student's unique English proficiency level, grade level, and educational background.

Reporting Requirement for Action Item (4):

By April 15, 2011, the District will provide OCR with a list, by name, indicating the determination the District made regarding whether each ELL student who did not receive all language acquisition services that he or she was entitled to receive during school year 2009-2010 requires compensatory services. The District shall indicate, for each student that the District determines requires compensatory services, the number of hours of compensatory services to be provided.

(5) By May 31, 2011, the District will provide compensatory language acquisition services to all ELL students who it determines would benefit from such services, as described in Action Item 4, above.

Reporting Requirement for Action Item (5):

By August 31, 2011, the District will provide OCR with documentation demonstrating that it provided compensatory services to all ELL students who it determined would benefit from such services, as set forth in Action Item 4, above.

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. § 100.3, which was at issue in this case. The District also 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. § 100.3.

Plainfield Central School District

Date: 1/18/11

By: Lisa Logan Leach
President, Plainfield Board of Education