

## **VOLUNTARY RESOLUTION AGREEMENT**

### **East Ramapo Central School District OCR Case Nos. 02-11-1091 & 02-15-1140**

In order to resolve Case No. 02-11-1091 and the second allegation of the two allegations in Case No. 02-15-1140, the East Ramapo Central School District (the "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, Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

The District asserts that it has and is continuing to work in good faith with the New York State Education Department (NYSED) on similar issues and has been determined by NYSED to have resolved and implemented a Corrective Action Plan under 8 NYCRR Part 154. The District is also coordinating corrective actions in response to Compliance Assurance Plans with NYSED regarding provisions under 8 NYCRR Part 200. This Resolution Agreement has been entered into voluntarily by the District and does not constitute an admission by the District or any findings or determinations by OCR that the District is not in compliance with Title VI, Section 504, or Title II of the ADA and the respective implementing regulations.

#### **Action Item A: Race/National Origin Anti-Discrimination Guidelines for Special Education Placement Process**

1. The District asserts that it has developed and adopted guidelines to ensure that it does not discriminate on the basis of race or national origin when determining a placement pursuant to a disabled student's Individualized Education Program (IEP) or Section 504 plan. By October 31, 2015, the District will provide a copy of these guidelines to OCR for review and approval.
2. Within 60 days of OCR's review and approval of the guidelines referenced in Action Item A.1, the District will train relevant staff regarding the guidelines adopted.

#### **Reporting Requirements:**

- a) By October 31, 2015, the District will provide to OCR, for review and approval, a draft of its guidelines to ensure that it does not discriminate on the basis of race or national origin when determining a placement pursuant to a disabled student's IEP or Section 504 plan. OCR will respond within 30 calendar days.
- b) Within 30 days of OCR's review and approval of the guidelines referenced in Action Item A.1, the District will provide documentation to OCR demonstrating that it has

formally adopted the guidelines; updated any relevant printed publications and on-line publications with the guidelines (inserts may be used pending reprinting of these publications); and electronically disseminated the guidelines to relevant District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the guidelines; (ii) evidence of the electronic dissemination of the guidelines to relevant staff; and (iii) if not yet finalized, copies of inserts for printed publications.

- c) Within 60 days of OCR's review and approval of the guidelines referenced in Action Item A.1, the District will provide the following to OCR: (a) the names and titles of staff members who attended the training outlined in Action Item A.2 above; (b) the name(s) and qualifications of the individual(s) who conducted the training; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.
- d) By June 30, 2016, and 2017, the District will provide documentation to OCR regarding the placements of students classified as having an Intellectual Disability (ID) and/or Emotional Disturbance (ED) for school years 2015-2016 and 2016-2017, respectively. For each student with these classifications, the District will provide the student's race/national origin; the Committee on Special Education's (CSE's) placement determination; a copy of the student's individual educational plan (IEP); a copy of the evaluation report(s) upon which the classification and placement were determined; and indicate whether the student's actual placement differs from the placement recommended by the CSE. Upon review of this data, OCR reserves the right to request additional documentation regarding the placement decisions for these students; and to require the District to remediate any deficiencies.

**Action Item B: Identification and Assessment of Students Whose Primary Home Language is Other Than English**

1. The District asserts that it has developed and adopted a policy and procedure for identifying all students in the District whose primary home language is other than English (PHLOTE), including students from low incidence language groups. By October 31, 2015, the District will provide a copy of this policy and procedure to OCR for review and approval. As part of this policy and procedure, consistent with Title VI, the District will distribute a Home Language Questionnaire (HLQ) in Spanish, Creole, and English, and also will provide the HLQ in as many other languages known to be spoken in the community, as are practical. As an alternative to providing printed HLQ forms to national origin minority Limited English proficient (LEP) parents and guardians (collectively hereafter, "LEP parents") for low incidence language groups, the District may provide interpreters to assist those LEP parents in completing the HLQ. The District will ensure that, consistent with Title VI, the HLQ is designed and administered such that it appropriately identifies students who are English language learners (ELL) and in need of ELL services (e.g., the HLQ will trigger an assessment if there is at least one affirmative response to its questions).

2. The District asserts that it has developed and adopted a policy and procedure for assessing all PHLOTE students in the District to determine the appropriate ELL services to be provided. By October 31, 2015, the District will provide a copy of this policy and procedure to OCR for review and approval.

**Reporting Requirements:**

- a) By October 31, 2015, the District will submit to OCR, for review and approval, a copy of its HLQ in English, Creole, and Spanish, and in all other languages for which it has developed a HLQ for school year 2015-2016. OCR will respond within 30 days.
- b) By October 31, 2015, the District will submit to OCR, for review and approval, its policy and procedure for distributing the HLQ to identify all PHLOTE students in the District, including students from low incidence language groups. The policy and procedure will also address, to the fullest reasonable extent, how the District will provide interpreters to assist LEP parents in completing the HLQ. OCR will respond within 30 days.
- c) By October 31, 2015, the District will submit to OCR, for review and approval, its policy and procedure for interpreting responses to the HLQ, and determining which students are PHLOTE and will be assessed to determine if the student needs ELL services. OCR will respond within 30 days.
- d) By October 31, 2015, the District will submit to OCR for review and approval, its procedures for assessing PHLOTE students to identify students in need of ELL services. OCR will respond within 30 days.
- e) By June 30, 2016, and 2017, the District will submit to OCR copies of all HLQ surveys completed for District students during school years 2015-2016 and 2016-2017, respectively.
- f) By June 30, 2016, and 2017, the District will submit to OCR a list of students who were determined to be PHLOTE and assessed to determine if they needed ELL services, during school years 2015-2016 and 2016-2017, respectively.

**Action Item C: Design and Implementation of the Alternative Language Program(s)**

1. The District asserts that it has developed an alternative language program(s) for ELL students that comports with the requirements of Title VI and its implementing regulation. By October 31, 2015, the District will provide to OCR a description of its alternative language program(s) for review and approval. The District asserts that its alternative language program(s) provide(s) for the provision of English language services to all ELL students in all educational settings, including special education. The District asserts that its program(s) includes a policy and procedure for how the District will serve ELL students by proficiency level and grade level (*i.e.*, elementary, middle and high school); and, ensures that all ELL students receive alternative language services until the student meets the District's criteria to exit the alternative language

program. As used in this Resolution Agreement, “English language services” shall mean services designed to ensure that national origin minority students with limited-English proficiency have meaningful access to the District’s educational program, consistent with Title VI. Such services may include, but need not be limited to, any or all of the following: (1) English as a second language (ESL) instruction; (2) transitional bilingual education; (3) bilingual/bicultural education; (4) structured immersion; and/or (5) developmental bilingual education. The District will determine the specific alternate language program(s)/services that are appropriate for each of the District’s ELL students, consistent with Title VI.

2. By November 30, 2015, the District will ensure that all ELL students are appropriately placed into the alternative language program(s) to receive appropriate English language services in accordance with Part 154 of the Regulations of the New York State Commissioner of Education, which includes the administration of the New York State Identification Test for English Language Learners (NYSITELL). The District will:
  - Establish one or more language proficiency teams (i.e., placement committees) in accordance with Part 154 of the Regulation of the New York State Commissioner of Education. The members of the language proficiency team will, at a minimum include an ESL/bilingual teacher, a counselor, and/or a district administrator (e.g., principal, assistant principal).
  - These language proficiency teams or placement committees shall review the ELL student’s pertinent information and make placement determinations considering the student’s performance on the NYSITELL as required under Part 154 of the Regulations of the New York State Commissioner of Education. The teams shall also consider the student’s disability, if any, to determine if the student is appropriate for administration of the NYSITELL regarding the student’s participation in the District’s alternative language program(s), including the type and amount of language development services to be provided to each student. If the District deviates from its established alternative language program(s) in providing English language services, the District will document why the ELL student is not being provided with alternative language services in accordance with the District’s program(s).
3. By November 30, 2015, the District will develop a system for maintaining records for all ELL students that will include, by ELL student: the name of the student; school assigned; grade level; assessment results; and proficiency level. The record will also indicate, by ELL student, the type; frequency; and duration of services to be provided.
4. By November 30, 2015, the District 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. As an alternative to sending written notification to LEP parents for low incidence language groups, the District may use interpreters to provide this information to them.
5. By November 30, 2015, for students whose parents have declined or opted out of the alternative language program, the District will develop a procedure to monitor the student’s

academic progress and provide other language support services for such students to ensure that they are able to participate meaningfully in the regular instructional program. The District will provide the parent/guardian with information about the results of the on-going assessment of the student, and will contact the parent/guardian of each of the students who are not making adequate progress to inform the parent of the student's opportunity to participate in the alternative language program. The District 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:**

- a) By October 31, 2015, the District will provide to OCR for review and approval, a description of its alternative language program(s), including how it will meet the needs of ELL students at all grade levels and proficiency levels as set out in Action Item C.1, and procedures for implementing the program(s). OCR will respond within 30 calendar days.
- b) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the program(s) developed in accordance with Action Item C.1; updated its printed publications and on-line publications as necessary with relevant policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the policies and procedures as necessary to students, parents and District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the policy and procedures; (ii) evidence of the electronic dissemination of the policy and procedures to students, parents, and staff.; and (iii) if not yet finalized, copies of inserts for printed publications.
- c) By November 30, 2015, the District will provide documentation demonstrating that placement committees (i.e., language proficiency teams) have been established consistent with Action Item C.2, and that the committees have convened to place each ELL student into the appropriate alternative language program developed in accordance with Action Item C.1. At a minimum, the documentation should include the name of the student; school; and alternative language program placement. If the District has deviated from its established alternative language program(s) in providing English language services to an ELL student, the documentation will describe why the ELL student is not being provided with alternative language services in accordance with the District's program(s).
- d) By November 30, 2015, the District will provide documentation to OCR demonstrating that a record maintenance system has been developed and is being implemented consistent with Action Item C.3.
- e) By October 31, 2015, the District will provide to OCR, for review and approval, a draft of its policies and procedures for notifying LEP parents of the availability of alternative

language programs, consistent with Action Item C.4 above. OCR will respond within 30 calendar days.

- f) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the policies and procedures developed in accordance with Action Item C.4; updated its printed publications and on-line publications as necessary with the policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the policies and procedures as necessary to students, parents and District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the policy and procedures; (ii) evidence of the electronic dissemination of the policy and procedures to students, parents, and staff; and (iii) if not yet finalized, copies of inserts for printed publications.
- g) By June 30, 2016, and 2017, for the preceding school year, the District will provide to OCR a copy of the notification that was sent to each ELL student's parent/guardian in accordance with Action Item C.4 above.
- h) By October 31, 2015, the District will provide to OCR, for review and approval, a copy of its policy and procedure to monitor the academic progress and provide alternative language support services for ELL students whose parents/guardians decline or opt out of the District's alternative language program, developed in accordance with Action Item C.5. OCR will respond within 30 calendar days.
- i) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the policies and procedures developed in accordance with Action Item C.5; updated its printed publications and on-line publications as necessary with the policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the policies and procedures as necessary to students, parents and District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the policy and procedures; (ii) evidence of the electronic dissemination of the policy and procedures to students, parents, and staff; and (iii) if not yet finalized, copies of inserts for printed publications.
- j) By June 30, 2016, and 2017, for the preceding school year, the District will submit to OCR the updated roster of all ELL students and the following information:
  - i. The total number of ELL students enrolled in each school, by grade level and proficiency level.
  - ii. The total number of ELL students in each school who receive alternative language program services.
  - iii. 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).

- iv. 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.
- v. For each student who is not being served in an alternative language program because the parent/guardian declined or opted out, the District will provide to OCR a copy of the information provided to the parent/guardian of students who are not being served; the results of the monitoring of the academic progress of such students; a description of support services that the District is providing to such students; and documentation of when the District held a meeting with that parent consistent with Action Item C.5, and who was present during the meeting.
- vi. 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.

**Action Item D: Staffing and Staff Development for the ELL Program**

1. By October 31, 2015, the District must ensure that there are a sufficient number of certified, trained teachers and teaching staff to implement its selected alternative language program(s).
2. By October 31, 2015, to the extent that the District does not have a sufficient number of qualified and trained teachers to implement its alternative language program(s) for school year 2015-2016, the District will identify and describe the interim steps it will take to provide staffing for the alternative language program(s), including:
  - a. The continuing efforts the District is making to recruit certified, trained staff members to implement the alternative language program(s); and
  - b. The steps the District will take to ensure the availability and placement of certified and/or trained staff members to implement the alternative language program(s). This may include using current teaching staff who are ESL/bilingual certified to teach in the alternative language program(s); or current teaching staff members who are working toward obtaining credentials as a condition of employment in the ELL program, and are receiving interim training to enable them to function adequately in the classroom and/or assistance from qualified aides or assistants.
3. By December 31, 2015, the District will provide any necessary additional training on its alternative language program methodologies to all staff members who were identified as needing additional training.
4. By December 31, 2015, the District will develop and implement a procedure to ensure that classroom performance of teachers in its alternative language program(s) will be evaluated by a person knowledgeable in the learning methodologies in its alternative language program(s). This will be done to ensure that program teachers are providing services that are consistent with

the District's alternative language curriculum and academic objectives. This evaluation will include ensuring that teachers are current in any professional development requirements.

5. By December 31, 2015, the District will provide any necessary additional training to individuals identified to evaluate the program teachers' classroom performance as referenced in Action Item D.4 above.

**Reporting Requirements:**

- a) By October 31, 2015, the District will provide OCR with documentation describing how it will staff its alternative language program. This documentation will include the names and qualifications of teachers at each school, as well as their projected daily schedules and number of ELL students for each classroom period identified.
- b) By October 31, 2015, if the District does not have an appropriate and sufficient number of certified and trained teachers to adequately staff its alternative language program for school year 2015-2016, the District will explain the interim steps it will take to provide adequate staffing for its alternative language program(s); and, by December 31, 2015, the District will provide documentation regarding the interim steps taken.
- c) By December 31, 2015, the District will submit documentation to OCR confirming that training was provided pursuant to Action Item D.3 above; including 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.
- d) By December 31, 2015, the District will submit to OCR, for review and approval, a copy of the procedure it developed to ensure that the classroom performance of the teachers in its alternative language program(s) is evaluated by a person knowledgeable in methodologies for its alternative language program. OCR will respond within 30 calendar days.
- e) By December 31, 2015, the District will submit documentation to OCR confirming that training was provided pursuant to Action Item D.5 above; including 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.
- f) By June 30, 2016 and 2017, the District will submit documentation to OCR demonstrating its implementation of the policy or procedure developed in accordance with in Action Item D.4 above during the previous school year.



**Action Item E: Instructional Materials for the ELL Program**

The District asserts that it provides sufficient instructional materials to effectively implement its selected alternative language service model(s) for the instruction of ELL students. By November 30, 2015, for school year 2015-2016, the District will submit to OCR a written description of the instructional materials it has in place. The District asserts that such materials are appropriate to the curriculum, and comparable in quality, availability, and grade level to materials provided for the instruction of non-ELL students.

**Reporting Requirement:** By November 30, 2015, and 2016, the District will submit to OCR a written description of the instructional materials it has in place, by school and grade level, to be used in the alternative language program(s). The District 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.

**Action Item F: Exit Criteria for the ELL Program and Monitoring of Exited ELL Students**

1. The District asserts that it has developed policies and procedures for exiting ELL students from alternative language programs and monitoring the academic progress of students exited from the alternative language program(s) throughout subsequent academic school years. By October 31, 2015, the District will provide a copy of these policies and procedures to OCR for review and approval. The District asserts that its policies and procedures include at a minimum:
  - Criteria for exiting ELL students from alternative language programs pursuant to Part 154 of the Regulations of the New York State Commissioner of Education;
  - Standards for reviewing the academic progress of each student who exited the alternative language program(s), including examining grades, academic achievement scores, interim progress reports, and test scores throughout the school year;
  - Distribution of a memorandum to instructional staff and District/school administrators regarding the monitoring requirements; and
  - Provision of 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.
2. By November 30, 2015, the District will identify whether any students who exited the alternative language program(s) during school years 2013-2014 and 2014-2015 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

District will consider reentry into the alternative language program(s) as a remedy and as determined in partnership with the student's parent.

**Reporting Requirements:**

- a) By October 31, 2015, the District will provide to OCR, for review and approval, a draft of its policies and procedures for exiting ELL students from alternative language programs and periodically reviewing the academic progress of students exited from the alternative language program(s) throughout the academic school year, consistent with Action Item F.1, above. OCR will respond within 30 calendar days.
- b) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR to demonstrate that it has formally adopted the revised policies and procedures; updated its printed publications and on-line publications as necessary with the revised policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policies and procedures to District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the revised policy and procedures; (ii) evidence of the electronic dissemination of the revised policy and procedures to staff; and, (iii) if not yet finalized, copies of inserts for printed publications.
- c) By November 30, 2015, the District will provide to OCR the following:
  - i. A list of students who exited the alternative language program(s) from school years 2013-2014 and 2014-2015. For each of the students on the list, the District will provide documentation demonstrating whether or not the student was able to achieve academic progress in the regular educational environment without alternative language program services, including grades and academic achievement data.
  - ii. For all students found to have suffered academic deficits, a description of the steps the District will take to remediate such academic deficiencies; and, documentation demonstrating that the District contacted the parent/guardian about reentering the alternative language program as a result of the evaluation, if applicable.
- d) By June 30, 2016, and 2017, for the preceding school year, the District will provide the following to OCR:
  - i. A list of students who exited the alternative language program(s) during the school year. For each of these students, the District will provide documentation demonstrating that the student achieved academic progress in the regular educational environment without alternative language program services, including grades and academic achievement data.

- ii. A list of all students who exited the alternative language program(s) during a previous school year and have been identified as suffering academic deficits pursuant to the policy and procedure developed as part of Action Item F.1 above. For each of these students, the District will include: (i) a description of the steps the District will take to remediate such academic deficiencies, and (ii) documentation demonstrating that the District contacted the parent/guardian about reentering the alternative language program as a result of the evaluation, if applicable. For those who remain as exited ELL students, the District will provide documentation of the reasons for the placement determination.

### **Action Item G: Evaluation and Modification of the ELL Program**

By June 30, 2016, and annually thereafter, the District will evaluate the effectiveness of its alternative language program(s) and identify modifications that it will make to improve the program(s)'s effectiveness in the next school year. The process will include an evaluation of its chosen alternative language program(s) 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.

#### **Reporting Requirements:**

- a) By June 30, 2016, and 2017, the District will submit to OCR, for review and approval, a copy of its evaluation and any planned modifications to be made to its alternative language program(s) as a result of the evaluation. The evaluation should include specifics about the factors reviewed. OCR will respond within 30 calendar days.
- b) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the modifications.

### **Action Item H: LEP Parent Communication**

1. The District asserts that it has revised its policies and procedures, in accordance with Part 154 of the Regulations of the New York State Commissioner of Education, to ensure that 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. By October 31, 2015, the District will provide a copy of these policies and procedures to OCR for review and approval. Specifically, the District asserts that it has revised its policies and procedures to ensure that:

- The policies and procedures will specify how the District will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups.

- The District 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.
  - The District 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 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 recordkeeping procedures and reporting requirements. The District's means for providing these services must be well-publicized and accessible to staff.
  - The District 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 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 in accessing interpreter services or translated documents.
  - The District 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 substantiating that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language.
  - When the District 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 District 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.
2. By October 1, 2015, and annually thereafter, the District will provide notice to all District employees of the availability of interpreter and translation services for LEP parents.
  3. By December 31, 2015, the District will provide training to District administrators and other staff members involved in the provision of interpreter and translation services on the revised policies and procedures.
  4. By October 31, 2015, the District will provide notice to LEP parents of the changes to the policies and procedures.

**Reporting Requirements:**

- a) By October 31, 2015, the District will submit to OCR, for review and approval, a copy of its revised policies and procedures concerning parental communication, consistent with Action Item H.1 above. OCR will respond within 30 calendar days.
- b) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the revised policies and procedures; updated its printed publications and on-line publications as necessary with the revised policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policies and procedures as necessary to students, parents and staff in appropriate languages. This documentation will include at a minimum; (i) printouts or a link to all on-line publications containing the revised policy and procedures; (ii) evidence of the electronic dissemination of the revised policy and procedures to students, parents and staff; and, (iii) if not yet finalized, copies of inserts for printed publications.
- c) By October 31, 2015, the District will provide to OCR a copy of the notice to LEP parents of the changes to the policies and procedures.
- d) By June 30, 2016, and 2017, for the preceding school year, the District will submit documentation to OCR demonstrating implementation of the policies and procedures. Documentation will include, but not be limited to, copies of notices sent to LEP parents of the availability of free language services; a list of individuals who requested such services and when; a description of what services were provided; a written acknowledgment signed by the LEP parent confirming that the aforementioned services were provided and when; the names and credentials of all interpreters and translators; and a copy of the annual notice to employees.
- e) By October 31, 2015, the District will provide to OCR a copy of the notice sent to all district employees of the availability of interpreter and translation services for LEP parents.
- f) By December 31, 2015, the District will submit documentation to OCR demonstrating that training was provided pursuant to Action Item H.3 above, including: a 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.

**Action Item I: ELL & Special Education**

1. The District asserts that it has revised 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 and related aids and services, including appropriate evaluations, because

they are ELL students. By October 31, 2015, the District will provide a copy of these policies and procedures to OCR for review and approval.

2. By December 31, 2015, the District will convene a group of knowledgeable persons consistent with the requirements of the regulation implementing Section 504 (such as the CSE, relevant district administrators, and/or other such groups of individuals) to review all of its ELL students currently identified as students with disabilities under IDEA and/or Section 504, including all students who are currently placed in the Yiddish-English bilingual special education programs or who were placed in Yiddish-English or Spanish-English bilingual special education programs during school year 2013-2014. The group will determine whether students who require both ELL and special education services are receiving both, and determine whether compensatory or remedial services are necessary for any student that has not received both special education and ELL services. If compensatory and/or remedial services are deemed necessary, the group will develop a plan for engaging the student's parents and providing timely compensatory and/or remedial services with a completion date not to extend beyond February 1, 2016. The District will provide each student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
3. By November 30, 2015, the District will provide training to the members of its CSE, and any other relevant District staff, regarding the District's obligations under Section 504 to provide a free and appropriate public education to qualified disabled students and to provide the services in the least restrictive environment appropriate for the student. Additionally, this training will cover the District's obligations under Title VI to ensure that its alternative language program, including Yiddish-English and Spanish-English bilingual education, provides for the provision of English language services and instruction to all ELL students in all educational settings, including special education. This training will include the policies and procedures the District developed for how the District will serve ELL students by proficiency level and grade.

**Reporting Requirements:**

- a) By October 31, 2015, the District will submit to OCR, for review and approval, copies of its special education procedures in accordance with Action Item I.1. OCR will respond within 30 calendar days.
- b) Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the policies and procedures developed in accordance with Action Item I.1; updated its printed publications and on-line publications as necessary with the policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the policies and procedures as necessary to students, parents and District staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the policy and procedures; (ii) evidence of the electronic dissemination of the policy and procedures to students, parents, and staff; and (iii) if not yet finalized, copies of inserts for printed publications.

- c) By February 29, 2016, the District will provide to OCR a list of all ELL students currently identified as students with disabilities under IDEA or Section 504, including those students who are currently placed in the Yiddish-English bilingual special education programs or who were placed in Yiddish-English or Spanish-English bilingual special education programs during school year 2014-2015. For each such student, the District will describe the alternative language services and special education and related aids and services being provided. Additionally, for each such student, the District will provide to OCR the decision as to whether compensatory and/or remedial services are needed following the meeting held in accordance with Action Item I.2. The District will submit to OCR documents substantiating the group's decision, including but not limited to documentation identifying the participants in the meeting; an explanation for decisions made; the information considered; and a description of and schedule for providing any compensatory and/or remedial services (if any) to the student. OCR will review the documentation 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, and met the requirements to provide an appropriate ELL program services pursuant to 34 C.F.R. § 100.3(a), (b)(1) and (2) in making these determinations.
- d) By August 31, 2016, the District will provide documentation to OCR of the dates, times and locations that any compensatory and/or remedial services were provided to a student consistent with the plan developed in accordance with Action Item I.2; including, a description of the services provided and the name(s) of the service provider(s).
- e) By December 31, 2015, the District will provide to OCR the name and credentials of the individuals who conducted the training referenced in Action Item I.3 above; a list of the individuals who attended the training and their positions; the date(s) the training was conducted; a brief description of the training; and copies of any training materials disseminated.

**Action Item J: Participation of ELL Students in Specialized Programs and Extracurricular Activities**

1. By November 30, 2015, the District will review the participation of ELL students in the District's specialized programs (such as gifted and talented, Advanced Placement, International Baccalaureate, academic academies, and any other specialized programs) and extracurricular activities (including student government, student clubs, athletics, and any other extracurricular activities). The District's review will include, at a minimum:
  - An assessment of whether any District policies, procedures, and/or practices preclude or otherwise limit ELL students from participating in the District's specialized programs;
  - The methods used to disseminate information about the District's specialized programs and extracurricular activities, including the languages in which the information is provided;

- The methods used to recruit participants for the District's specialized programs and extracurricular activities; and
  - A student survey of current and exited ELL students in the District regarding student interest in the District's specialized programs and extracurricular activities.
2. By December 31, 2015, the District will develop a plan to address any deficiencies identified in its review, as described above in Action Item J.1. The District will begin implementing this plan by February 29, 2016.

**Reporting Requirements:**

- a) By November 30, 2015, the District will provide to OCR a written description of the District's review of the participation of ELL students in the District's specialized programs and extracurricular activities. The description will include the information gathered and the results of the student survey conducted pursuant to Action Item J.
- b) By December 31, 2015, the District will provide to OCR, for review and approval, a copy of its plan to address any deficiencies, in accordance with Action Item J.2 above. OCR will respond within 30 days.
- c) By June 30, 2016, the District will provide documentation to OCR demonstrating its implementation of this plan. OCR reserves the right to request additional documentation regarding the District's implementation of this plan; and to require the District to remediate any deficiencies.

**Action Item K: Integration of ELL Students**

The District asserts that it has reviewed its ELL program and developed a plan to ensure that it carries out its program in the least restricted manner consistent with achieving its stated goal(s), and by October 31, 2015, will identify modifications that it will make to minimize segregation to the greatest extent possible in the District. The District will ensure, in accordance with the student's IEP and the requirements of the regulation implementing Section 504, that ELL students in the Yiddish-English bilingual severely disabled special education program are not unnecessarily segregated from non-ELL students for non-academic subjects (e.g., physical education, art, and music) or for activity periods outside of classroom instruction (i.e., during lunch, recess, assemblies, and extracurricular activities).

**Reporting Requirement:** By October 31, 2015, the District will provide documentation to OCR, for review and approval, outlining any changes made to its ELL program consistent with Action Item K. For any ELL programs that remain separated from the general education population, the District will outline its reason(s) for carrying out the program in this manner, and describe whether it considered any alternatives (e.g., participation with the general education population in art, music, gym, and other specials); and explain why such alternatives could not be implemented. In the event that OCR has any objections to the documentation provided by the District for review, OCR will notify the District of its



objections promptly, but no later than 60 calendar days after receiving the draft documents. OCR reserves the right to request additional documentation regarding the placement decisions of these students and to require the District to remediate any deficiencies.

**Action Item L: LEP Parent Forums**

By December 31, 2015, and annually thereafter by September 15 of that particular year, the District will convene one or more parent forums, in a language the parents can understand, to provide District LEP parents with information regarding the alternative language program(s); including identification and assessment of students, alternative language services, exit criteria, and monitoring. Prior to convening the parent forum(s) for school year 2015-2016, the District will provide OCR with the date, time, and location of the event(s).

**Reporting Requirement:** By January 30, 2016, and 2017, the District will provide to OCR documentation regarding the parent forum(s) for that respective school year; including how the forum was advertised, information provided at the forum (i.e. presentations, handouts, etc.), and the number of individuals in attendance.

The District 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 regulations implementing Title VI, at 34 C.F.R. § 100.3(a), (b)(1) and (2); Section 504, at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36; and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(i), which were 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 regulations implementing Title VI, at 34 C.F.R. § 100.3(a), (b)(1) and (2); Section 504, at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36; and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(i), which were at issue in this case. 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 proceeding 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.

September 8, 2015

/s/

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Schools  
East Ramapo Central School District